

WILLIAM G. RIDGELY AND HODGES AND LANSDALE, OR  
THEIR LEGAL REPRESENTATIVES.

[To accompany bill No. S. 278.]

JANUARY 9, 1857.

Mr. TAYLOR, from the Committee of Claims, made the following

REPORT.

*The Committee of Claims, to whom was referred Senate bill No. 278, for the relief of William G. Ridgely and Hodges and Lansdale, or their legal representatives, with the papers accompanying, have had the same under consideration, and now report :*

The petitioners, for whose relief the bill in question was framed, state that large quantities of tobacco belonging to them, and which were stored in the public warehouses at Nottingham, Benedict, Magruder's Ferry, Hunting Creek, and Lower Marlborough, were carried away or destroyed by the British forces during their invasion of Maryland, in the war of 1812, "in consequence of the military occupation by the American troops of the waters of the Patuxent, and in consequence of the use by the American troops of the tobacco and the warehouses as means of military defence and for attack on the British forces."

Your committee find no evidence among the papers before them as to the destruction of any tobacco at Hunting Creek and Lower Marlborough ; but there are depositions among the papers submitted in these cases, or in the case of Christopher Neale, to which reference is made in the petition of William G. Ridgely, that tobacco was destroyed in 1814 at Cedar Point, Tracey's Landing, Nottingham, Benedict, and Magruder's Ferry. The depositions are very vague and indefinite as to the time when the occurrences spoken of in them happened, and as to the circumstances connected with those occurrences, which it would have been material to show before any liability for the tobacco destroyed could, in the opinion of your committee, attach to the government of the United States. These depositions may not all relate to the places where the petitioners say their tobacco was destroyed ; but as that is possible, and it is quite probable that they do apply to the cases of other claimants, your committee will state its substance at this time, in order to avoid the necessity of repeating any of them in other reports.

*First.* As to tobacco destroyed at the warehouse at Cedar Point.

The only evidence in relation to this is that furnished by a copy of a letter from the Hon. D. Jenifer, dated February 27, 1832, filed with the papers of Messrs. Hodges and Lansdale. In that letter Mr. Jenifer states that "in the summer of 1814 some schooners of the enemy were anchored off the warehouse; that *some of the crews landed and were in the act of taking away some of the tobacco, when General Stewart, the commander of the troops in the vicinity, ordered them down, and commenced an attack with artillery upon the enemy at the warehouse; that after firing several shots from the cannon, &c., the warehouse was set fire to by the enemy and leveled to the ground, with all the tobacco then in the house,*" &c.

*Second.* As to tobacco destroyed at the warehouse at Tracey's Landing.

It is stated that Commodore Barney put munitions of war in it, in the spring of 1814, to lighten his vessels, and that some were *left in, probably,* at the time it was destroyed. Patrick Henry O'Reilly testified, as appears from the report in the case of Matilda Drury, (29th Congress, 1st session, report No. 132, H. of R.) "that the removal of the tobacco out of the warehouse to a place of certain safety was suggested and discussed among the neighbors; that propositions were made to remove what belonged to them; and that some did remove theirs; but that by far the greater part was left." In October, 1814, the enemy, under Admiral Warren, appeared at Town Point. The militia were ordered there to prevent the enemy's landing; and they took tobacco to make breastworks, "barricades, and fortifications." They were then driven off, and the enemy destroyed the warehouse and the tobacco.

*Third.* As to tobacco carried away from the warehouse at Nottingham.

Commodore Barney, by letter dated on the 8th of June, 1814, requested that troops should be stationed there. The United States flotilla was then at anchor at Nottingham. The warehouses were not destroyed until long afterwards. When the enemy approached in their barges to attack the place, the officer in command says he ordered the militia to take the tobacco out of the warehouse and use it as a breastwork. From behind this tobacco they fired on the enemy, but were at last driven away. The enemy then took possession of the tobacco and carried it off.

*Fourth.* As to tobacco carried away or destroyed at Benedict.

It is stated that a body of United States troops were stationed at Benedict, in 1812, and that troops were, at various times, from early in the spring of 1814 up to a few days before the landing of the British at Benedict, stationed at various places on the Patuxent. One witness, Austin Cusick, said that in June, 1814, several hundred hogsheads of tobacco were in the warehouse at Benedict, and that *with a view to the protection of the property* in that village, Captain Carberry's company of the United States army was ordered there; that as a means of defence, and to give shelter to the men when the enemy opened their fire, Captain Carberry ordered his men to roll out the tobacco then in ~~the~~ warehouse, with a view to erecting batteries;

that a well-constructed fortification was made and was used as such by the regulars; and that when the enemy reached Benedict (whether it was abandoned by our troops, or was taken after a contest, is not stated) and discovered the uses to which the tobacco had been put, they rolled a part of it in the river to prevent its being so used again, and carried a large portion of it off. Another witness states that he repeatedly saw the British forces take tobacco from that warehouse on board of their boats; that he saw them burning and otherwise destroying tobacco in the town of Benedict; and that when they left Benedict not more than thirty hogsheads of tobacco remained in or about the warehouse.

It is unnecessary here to mention the circumstances attendant on the loss of tobacco at Magruder's Ferry, as they are detailed in the report heretofore made in the case of Rinaldo Johnson and Ann E. Johnson.

The slightest examination of the circumstances just referred to, connected with the loss of tobacco in the war of 1812, makes it certain that the places where the losses occurred were not occupied by the United States as military positions, or with a view to the general defence of the country. The property at the different points was considered insecure because of the depredations of the enemy, who did not respect private property, but wasted and destroyed it, or carried it off, wherever it was found by them without sufficient protection; and it was for the purpose of affording the protection required that the United States troops, or the militia in the service of the United States, were employed. The fact that they were employed did not in any way provoke the destruction or carrying off of the property actually lost; and it is abundantly evident that but for their employment much more property would have been destroyed.

The evidence gotten together is of a very extraordinary character. Its sole scope and design is to produce the impression that if no military efforts had been made in the section of country where this property was situated, the property would have been preserved to the owners. And this impression is attempted to be produced, by making the opinions expressed by the witnesses evidence to establish it, when the facts which they disclose, taken separately and disconnected from their own volunteered judgments, must satisfy every man who does not wish to be deceived, that all the various expeditions of the enemy which resulted in the loss or destruction of the property claimed for, were set on foot for the express purpose of capturing or destroying it; that the presence of the militia or of the regular troops did not in any way induce attacks upon property; but that, on the contrary, the fact that they were present at any particular point was the only thing that could give any prospect whatever for its being left in security. That is shown, in so many words, as to the property lost at Cedar Point. There the enemy was in possession of the place, and were engaged in carrying off the tobacco when they were attacked by the American forces; and the tobacco was destroyed, not because the American forces occupied the warehouse, but because they made an attempt to rescue the property after it had been captured by the enemy, attacked the British who were in possession of it, and hindered them from carrying it off whilst in the act of doing so.

There is a great parade made of the assertion of witnesses that at Tracey's Landing, at Nottingham, and at Benedict, tobacco was taken from the warehouses by the order of the officers in command, and made use of in making breastworks, &c., for the protection of the militia and soldiers from the fire of the enemy when they attacked the respective places. If this were true, and the places had been occupied by authority of an agent or officer of the United States as a part of the system of military defence of the country, and not for the purpose of protecting the private property collected there from the destruction with which it was threatened by the enemy whilst undefended, that fact would give rise to no right of any kind as against the United States. Officers in military command must make use of military means in the operations of war. If they are in command of a post that is exposed to attack, and breastworks or other means of defence are required to make the post tenable, they must employ the troops under their command to throw up entrenchments or field-works. The mattock and spade must be put in requisition where there is earthy matter enough to be moved and made use of to give the proper shelter. Valuable merchandise is not one of the materials of war to be employed in a country where there is earth to be trenched or to be thrown up into embankments.

An officer is no more authorized to take hogsheds of tobacco than he would be bales of any other kinds of merchandise to construct the fortifications he may think advantageous to him; and if he should venture to do so, he would be responsible to the owners of the property for any damage done to it in consequence of its being put to such use, or for its entire value if it should be lost or destroyed. If tobacco was taken in the manner and for the purposes stated in the depositions of the witnesses referred to, those giving the orders would have been responsible personally, and should have been compelled to make good the loss which their orders had occasioned by a civil action. The government is by no means bound for all the acts of its agents. Acts of so extravagant and mischievous a character as those spoken of are never within the scope of their powers, and they who do such acts must be alone answerable for them. But this is not all. If an officer in the military service of the United States were to be stationed at a point where field-works of any kind were requisite for the defence of the position, and he were to fail to throw them up in the ordinary way immediately on his taking command, and afterwards should be driven to the necessity of employing any of the property he was sent to protect for improvising a defence, he should be brought before a court-martial for misconduct and incapacity, and be expelled from the service with disgrace.

In all other respects the claims of the petitioners stand on the same ground as those of the representatives of Rinaldo Johnson and Ann E. Johnson, as presented with Senate bill No. 255; and as for the reasons now given, and those assigned in the report heretofore made upon that bill, which is now referred to and made a part of this report, your committee are of opinion that the petitioners have no claim upon the justice or liberality of the government. They now recommend that the bill do not pass.



*Deposition of Austin Cusick.*

In June, 1814, when the naval forces of Great Britain ascended the Patuxent river, the tobacco warehouse at Benedict, Charles county, Maryland, contained several hundred hogsheads of tobacco belonging to persons in the neighborhood. With the view to the protection of the property in that village, Captain Carbery's company of the United States service had been ordered to repair to that place for the purpose of arresting the hostile aggressions of the enemy. As a means of defence, and to give shelter to the men when the enemy opened their guns, Capt. Carbery ordered his men to roll out the tobacco then in the warehouse with the view of erecting batteries. A well-constructed fortification was made and was used as such by the regulars. When the enemy reached Benedict, Capt. Barry, of the royal navy, discovering the uses for which the tobacco had been converted by our forces, and to prevent it from being used again as a military position, had it rolled into the river; some of it was destroyed, and a large portion of it was carried away. I was present myself and beheld the erection of the batteries, and the destruction of the tobacco was in consequence of its being used for military purposes.

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WOODVILLE, PRINCE GEORGE'S COUNTY, MARYLAND,  
November 24, 1849.

Personally appeared before me, a justice of the peace of the State of Maryland in and for said county, Austin Cusick, and makes oath on the Holy Evangely of Almighty God that the foregoing statement is true and correct, to the best of his knowledge and belief.

Sworn before

JOS. C. THOMAS, J. P.

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Accurately copied by myself from the original, on file in the House of Representatives, United States, in the case of Christopher Neale, assignee of Plummer.

WM. D. MERRICK.

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THE PETITION OF WM. G. RIDGELY OF GEORGETOWN, IN THE DISTRICT OF COLUMBIA.

*To the Senate and House of Representatives of the United States:*

The undersigned respectfully represents, that he claims from the United States indemnity for property destroyed during the late war with Great Britain. He states that he had stored in the public warehouse at Nottingham, in Pince George's county, nineteen hogsheads of tobacco; in Magruder's warehouse, in the same county, twelve hogsheads; and in Benedict warehouse, in Charles county, five hogsheads—all of which were totally destroyed or carried away by the British, and for which he claims compensation.

Your petitioner respectfully takes leave to refer to "the memorial of Christopher Neale, of Alexandria, assignee of Jerome and Gerard

Plummer, late merchants of Alexandria," (marked A, and herewith annexed,) and to the several documents referred to in that memorial, as establishing beyond doubt the facts as to the destroying and carrying away by the enemy of the tobacco stowed in the public warehouses at Nottingham, Magruder's, and at Benedict, in the State of Maryland.

And your petitioner prays such relief in the premises as to your honorable bodies may seem just and proper.

WM. G. RIDGELY.

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A.

The memorial of Christopher Neale, of Alexandria, assignee of Jerome and Gerard Plummer, late merchants of Alexandria:

*To the Senate and House of Representatives of the United States:*

Your petitioner respectfully represents that he claims, as assignee of Jerome and Gerard Plummer, late merchants of Alexandria, indemnity from the United States for property destroyed during the late war with Great Britain. That on the breaking out of the war, the said Plummers were extensively engaged in purchasing tobacco in Maryland; that they had large quantities of tobacco in store in the public warehouse at Nottingham, Prince George's county, Maryland; Magruder's warehouse, in same county; Tracey's Landing, in Anne Arundel county; and Benedict warehouse, in Charles county. That the hogsheds of tobacco which were in the Nottingham warehouse were removed by the order of the commanding officer, and erected into a breastwork, with the view of giving protection to our troops; that the village was in imminent danger of being assailed by the enemy, hence the necessity for the defence of the place; that this necessity was so obvious that nobody pretended to deny it; and the commanding officer would have deserved a severe rebuke had he abstained from using the tobacco as a means of defence. The exercise of this power in the present instance was under circumstances of no ordinary occurrence. The unexpected advance of the British troops upon the villages bordering on the Patuxent river in 1814 found this section of the Union wholly unprotected. In June, 1814, when the enemy ascended the Patuxent river, within twenty-eight miles of Washington city, there was not a breastwork, nor a fortification of any description—not a solitary cannon planted to sound an alarm, or check their progress to the capital of this Union. What was to be done? Under these trying circumstances the commanding officer did not hesitate. He lost no time in strengthening his position and fortifying himself in the best manner time and circumstances would allow. If the necessity exist, then that case has arrived, in which the government may take private property, or endanger its safety, for the public defence. The government did this. They did it through their officer, and the result was a loss to said Plummers. Your petitioner prays that, as the case of George Armstrong is in all respects the same with this, so far as the tobacco

warehouses at Nottingham and Magruder's are concerned, the said papers, affidavits, depositions, letters, and statements, &c., &c., be adopted as proofs in this case. It is well established by the depositions herewith filed that the tobacco, out of which our troops constructed a fortification, was destroyed and carried away by the British in consequence of its being used as a breastwork. (See James Baden's and Major Biscoe's affidavits.) It must be recollected by all who are conversant with the events of the late war, that during the year of 1814 Nottingham was little else than a garrisoned village. Both the regular army and militia made it the place of rendezvous. (See Commodore Barney's letter to General Bowie. See note No. 1.)

Your memorialist deems it proper to account for the cause the warehouse at Nottingham was not burned, together with a house adjoining thereto, (the armory,) in which the arms of the militia were constantly kept. Its exemption from conflagration was owing to its immediate proximity to the village, which would have involved the entire village in flames and inevitable destruction. (See Major Biscoe's statement.)

In relation to the destruction of the warehouse at Magruder's, in Prince George's county, Maryland, the foregoing remarks may be considered as applicable to some extent in explaining the views upon which the claim for indemnification is founded.

The fact is supported by unquestionable testimony that the warehouses were occupied by our troops as a shelter and protection. The occupation of buildings need not be a literal occupation even for a single night. If in the presence of an enemy, it amounted to the occupation which should entitle the owner of the property to full compensation. This position must be conceded. While thus occupied, if it is destroyed, so that occupancy was the cause of its destruction, the government is bound to grant compensation. The individual who owned the property suffered from a new character induced upon his property by the act of the government. The petitioner will further state, that the despatches of Admiral Cockburn, in giving an account of his depredations on the Patuxent river, says that he burnt the warehouses, as he considered them military posts, thus bringing the case precisely within the principles as established by the legislation of Congress.

*Extracts from Cockburn's Despatches, June 22, 1814.*—"He says that a detachment of sailors and marines were landed on both sides of the river, (Patuxent,) and the enemy's militia had assembled to the number of three to five hundred, retreating before them in the woods; the marines destroyed the tobacco stores and several houses which formed military posts." Again, he says, "that Captain Barrie advanced from Benedict to Marlborough; a schooner was found loaded with tobacco; after which they burnt tobacco stores containing two thousand and four hundred hogsheads; the detachment re-embarked."

Your petitioner will now investigate the circumstances under which the tobacco inspection warehouse at Tracey's Landing, Anne Arundel county, Maryland, was destroyed. Tracey's Landing is on a small creek, within a short distance of its mouth in the Chesapeake bay. During the spring of 1814 Commodore Barney, commanding the

American flotilla in the Chesapeake, in order to lighten his vessel, deposited a considerable quantity of munitions of war in the tobacco warehouse at Tracey's Landing, and left a detachment of men to guard the same; that the said stores and munitions of war were gradually removed overland to the Patuxent for the use of the flotilla, and a considerable quantity remained at the time of the destruction of the said warehouse. In October, 1814, the British fleet, in considerable force, under Admiral Warren, appeared in the Chesapeake, in the neighborhood of Town Point and Tracey's Landing. A detachment of militia were ordered to take post at this point, for the defence of the warehouse aforesaid, where a large quantity of tobacco was in store. This detachment occupied the said warehouse as barracks, by order of Captain Franklin, their commanding officer. The governor of Maryland sent a cannon to the detachment there posted for the purpose of aiding in the defence. The British boats at length entered the mouth of the creek, and were immediately fired upon by the detachment stationed at the point. Being much superior, however, in ordnance and numbers, they succeeded in dislodging the American militia from their position. They then proceeded up the creek to the warehouse at Tracey's Landing, where the militia there stationed had taken the hogsheads of tobacco from the said warehouse, and made barricades and fortifications of them, adjacent to and around said warehouse, for their defence; but they were unsuccessful, and obliged to vacate their position. The British troops soon took possession and burnt the warehouse occupied by the militia, and burnt and destroyed the tobacco, but scrupulously abstained from destroying any other property. The tobacco was taken from the said warehouse and erected into a fortification, by order of Captain Franklin, the officer in command at Tracey's Landing.

The foregoing facts are established by a mass of testimony of the most respectable character, although, unfortunately, the commanding officer of the militia detachment and nearly every other commissioned officer are dead, and their evidence beyond the reach of claimants. It may be necessary to add that the commander of the British forces justified the destruction of the warehouse and the tobacco aforesaid, to Mr. J. S. Skinner, on the ground of its being occupied and used by the American troops. (See John S. Skinner's statement; also the affidavits of Samuel Colt, William Ennis, and James Tongue, to establish the fact of the tobacco being turned into a fortification.)

Was the warehouse occupied "as a place of deposit for naval or military stores of the United States?"

As to the occupancy of the tobacco warehouse as a place of deposit for naval stores, the testimony adduced is conclusive upon this point. Almost all the witnesses refer to such an occupancy of this, under the orders of Commodore Barney, as a place of deposit for the munitions and stores of his naval flotilla upon the Chesapeake bay, and they all concur in stating that the occupancy of the warehouse for this property of the United States commenced in the summer of 1814, and continued until the enemy destroyed it. It further appears that the purser's steward and some of the witnesses say a small guard also were kept in charge of these naval stores at the tobacco warehouse at Tracey's Landing until its capture and conflagration.



gration. Many of the witnesses state that a part of the naval stores remained in the warehouse at the time of its capture and destruction.

From the testimony of R. Briscoe and others it will appear that all the tobacco in the warehouse was carried away and destroyed, as also that which was used as a fortification.

Your petitioner will now proceed to the investigation of the circumstances under which the tobacco stored in the warehouse at Benedict, Charles county, Maryland, was destroyed and carried away by the naval forces of Great Britain.

In June, 1814, the naval forces of Great Britain ascended the Patuxent river with a very considerable number of vessels of war; on the 15th of June they reached the village of Benedict. For the purpose of resisting the aggressive movements of the enemy, and to arrest their depredations, a portion of the troops of the United States had been stationed in Benedict. The commanding officer of the army finding the station a very exposed one, and without any fortification behind which his men could protect themselves in the event of a conflict with the enemy, and to oppose, if possible, their landing, he was compelled to resort to the only means available to seize and remove the hogsheads of tobacco then stored in the warehouse for the purpose of erecting a breastwork. The order to roll the hogsheads of tobacco out of the warehouse, and to construct a breastwork, was given by an officer of the United States army. That a battery was constructed out of said tobacco. (See Cusick's testimony.)

This was the conversion of private property into the public use, and would grow out of that state of necessity, which is superior to all law, and flows from what the civilians called the eminent domain, which belong to all governments, and is founded on the irresistible dictate and impulse of self-preservation. Every writer in treating of the rights of sovereignty says, that when a nation is at war, it has a right to avail itself of all its means.

The rule laid down in the laws of Congress is, that if the United States, in the prosecution of a war, occupy and use the property of a citizen for military purposes, so as to make it the legitimate object for capture and destruction, according to the rules of civilized warfare, and if, in consequence of such occupancy, the enemy be drawn upon, and do capture and destroy it, the owner shall be compensated out of the public treasury. This is manifestly right, and it is no more than simple justice, under the provision of the Constitution which prohibits the taking of private property for public use without just compensation.

As to the extent of the occupation of the village of Benedict by the British troops, it must be recollected by all who are conversant with the history of the late war, that the country bordering on the Patuxent river, during the year 1814, was little else than a great cantonment. The British troops held possession of this village during the whole summer and part of the fall of 1814. The regulars had been driven out of possession by the arrival of a superior naval force, and the property was destroyed by the enemy. It would be absurd to say that the government would not pay for its destruction, because our troops were not in actual possession at the time of its destruction.

Your petitioner begs leave to state that the abandonment of the possession should be of such a character that the owner could take possession, and enjoy all the rights to which he was entitled; otherwise the troops would be in constructive possession.

That the regulars were stationed in the village of Benedict is a fact, sustained by the affidavit of Austin Cusick, and by the letter of the late Hon. Clement Dorsey, to General Philip Stuart, then commander of the militia forces in this section of the State. Your petitioner will remark, that the said Hon. Clement Dorsey was the aid-de-camp to General Philip Stuart. (See Hon. Daniel Jenifer's statement.)

By a reference to Admiral Cockburn's despatches to Admiral Cockburn, the statement of Austin Cusick is fully sustained and corroborated. He says, "that on the 15th of June, 1814, the *Narcissus* arrived, and Captain Barrie determined to proceed up the river in twelve boats, having in them one hundred and eighty marines and thirty of the *black colonial corps*; they proceeded to Benedict, where a party of regulars fled, leaving behind several muskets and a part of their camp equipage."

Again, by a reference to the Federal Republican, bearing date 24th June, 1814, which contains a diary of the operations of the enemy from the time Barney's flotilla entered the Patuxent, it will be found that Commodore Barrie, in a conversation with the honorable Clement Dorsey, stated that there were "military and artillery pieces" stationed in Benedict. This assertion on the part of the British commander is not controverted by Dorsey. (See Clement Dorsey's conversation with the commander, and herewith filed.) The facts as contained in the above recited documents go conclusively to the support of Cusick's testimony in relation to the companies of the United States being stationed in Benedict.

The most open village, if resolutely defended, will cost many men before its fall; the village of Benedict being located in an open plain, and situated immediately on the banks of the Patuxent river—from its peculiar localities, surrounded by creeks and marshes, the frame buildings, so far as the working of artillery pieces, affording no shelter—could not have been maintained for one hour against a superior force. In the next place, an officer would have displayed a great want of military knowledge, in the disposition either of artillery or infantry, to have stationed there a military force for any effective purpose, much less have attempted to oppose the landing of the enemy's troops without constructing some work of defence, behind which his men could find protection from the firing of the enemy's vessels of war. The conclusion seems to be irresistible, from these facts and circumstances, that the situation of our troops absolutely required the erection of a fortification. That such an entrenchment was thrown up there can be no doubt, for it is expressly stated that the tobacco was rolled out of the warehouse and used as a fortification. (See John L. Dorsey's affidavit.)

These are the material circumstances attending the destruction of the tobacco at the Benedict warehouse; and in the face of them can there be doubt as to the cause of the destruction? Was it not palpably the use made of this tobacco, its change from a pacific to a

hostile character? Your petitioner ascribes the destruction of the tobacco to its use and occupation by the regulars of the United States service, and the preparation by them to repel the invasion by the British forces. (See Cusick's testimony.) There is no principle better established than this, that if property is destroyed by one of the incidents to the situation and employment of our troops in which it is placed, the government is liable.

Was this tobacco in the Benedict warehouse destroyed and carried away by the British troops? In the affidavits of Zachariah Sothoron, John Moran, and Austin Cusick, bearing date 11th March, 1824, and herewith filed, it is distinctly stated that the tobacco at the Benedict warehouse was destroyed and carried away by the enemy, in consequence of the use to which it was appropriated by our troops when said forces landed in Benedict. The affiants say, "that there was considerable quantity, say four or five hundred hogsheads of tobacco in said warehouse when said force landed;" again, these deponents say, they saw the enemy "burning and otherwise destroying tobacco in the said town of Benedict; not more than thirty hogsheads remained in and about the warehouse."

Your petitioner will remark that the foregoing affidavit was found in the State Department, and filed in a case pending before the board of commissioners, which assembled in the city of Washington, to adjust and examine into the validity of claims under the first article of the treaty of Ghent. According to the interpretation imposed upon this article, it was deemed unnecessary to show how and in what manner the property was destroyed—it was merely necessary to establish the fact that the property was deported by the naval power of Great Britain, and within the waters of the United States, at the time of the ratification of the treaty of peace. Hence the *omission* on the part of the affiants to state that the destruction or the carrying away of the tobacco was in consequence of its being used as a fortification for our troops; all that was required of the claimant was to show its destruction and deportation.

The conclusion that a portion of the army of the United States were stationed in Benedict, and that the tobacco was used as a fortification, and destroyed and carried away by the British forces, perfectly harmonizes with all the testimony filed by your petitioner. The testimony of the deponents strengthen and support each other in all the positions assumed by your memorialist as regards the destruction of the tobacco in the Benedict warehouse. The precedents in favor of the claim now presented are full and complete. (See the reports of the Committee of Claims, House of Representatives, No. 132, 29th Congress, 1st session, and reference to the case of James Tongue and others. See 15th Congress, 1st session, No. 391, House reports; 15th Congress, 1st session, No. 420, House reports.)

Independently of the intrinsic merit, of the claim of your memorialist, it is contended that the principle of indemnity has been recognized and established by the decision, in the case of Jas. F. Sothoron, passed at December session, 1848, which is in all its circumstances far short of the present case. In that case the principle is laid down

that personal property shall be paid for by the government whenever it is converted to public use. (See note No. 2.)

In the view which that committee formed of this case from the evidence, there can be no doubt they considered all the *government responsibility* attaching as soon as the occupation commenced by the American troops and its consequent destruction by the enemy. (See note No. 3.)

That in the great lapse of time it is a difficult work to procure testimony connected with the events of the late war with Great Britain—that many persons who witnessed the scene of what was then called the “Chesapeake depredations” have died, and but few survive to give a full history of the occurrences of that day. It cannot be expected that these events should be sustained by the same definite and precise proof as that which may be required according to the strict principles of a legal proceeding, but that your honorable bodies will consider the special circumstances of the case, and grant compensation in conformity with the principles of equity and justice. The 5th section of the act of 1816 declares “that where any property impressed or taken by public authority for the use or subsistence of the army during the late war has been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof.” This section is general, and embraces every description of property. The precedents established and referred to in this memorial proves that Congress did not intend that the act of 1816 should form the boundary of relief; on the contrary, that it considered the special circumstances of each case, and granted indemnification in conformity with the principles of equity and expediency. There can be nothing in this section that sanctions, by the remotest implication, the doctrine that compensation should not be granted in all cases where property has been used for belligerent purposes and offensive operations.

The change of our amicable relations with a foreign power works a change in civil government, and destroys many of the securities by which we hold our property.

Your petitioner further states, that the evidence of this tobacco being stored in the warehouse at Nottingham and at Magruder’s, Tracey’s Landing, and Benedict, is fully established by the tobacco notes, which were given by the inspectors in obedience to the laws of Maryland regulating the inspection and safe keeping of the tobacco. By the act of Maryland, passed in 1801, ch. 63, section 18, it is declared that the inspector or inspectors who shall pass any tobacco, shall deliver as many notes, under the hand of the inspector or inspectors, to the owner and in his name, as shall be required; in which note or receipt shall be expressed the place and time of reception, the mark of the warehouse, the number, and the gross, tare and net weights for all tobacco inspected and passed; and also in the note shall be expressed whether of the first or second quality, the first quality to consist of tobacco clear of and unmixed with trash; and the said notes shall be payable to the said owner or bearer, and shall be current and receivable in payment of all debts and contracts for tobacco, or judgments and decrees on contracts for tobacco, according



to the terms and intention of the contract, judgment, or decree, (as the case may be,) and shall be *transferrable* from one person to another, and shall be paid, upon demand, by the inspector or inspectors who signed the same. (See affidavits of the Plummers as to their possession of the notes, and Christopher Neale's.)

SEC. 26—Provides a penalty for forging manifests or notes.

SEC. 39—Declares that inspectors "are declared to be answerable to the owners of any notes mentioned and described in such manifest, so far as to produce the same hogshead or hogsheads of tobacco belonging to any owner." (See Dorsey's Laws of Maryland, page 453, vol. 1.)

Your memorialist further states that he had stored in the warehouses at Magruder's 53 hogsheads of tobacco, and 28 hogsheads at the Nottingham warehouse, and 57 hogsheads at Tracey's Landing, and 19 hogsheads in Benedict warehouse—all of which were totally destroyed and carried off by the British, for which he claims compensation.

Your memorialist prays such relief in the premises as may be fair and reasonable.

NOTE No. 1.—See Brigadier General Winder's letter to Major Biscoe, and herewith filed; also General Winder's letter, bearing date 27th July, 1814, to the Secretary of War, in which he says that Colonel Bowen's regiment, 300 strong, and a detachment of regulars, under the command of Lieutenant Colonel Scott, were stationed at Nottingham. See Niles' Register, vol. 7, 283; also Admiral Cockburn's official report to Admiral Cockrane, in which he gives a detailed account of his naval operations on the waters of the Patuxent; he says, "that on his approaching the town (Nottingham) a few shots were exchanged between the boats and some of the enemy's cavalry."

NOTE No. 2.—See Senate Report No. 139, 30th Congress, 1st session. House of Representatives report 57. The report of the Senate states, "that it is difficult to draw a distinction in equity between a claim for loss of buildings and for the personal property they contain."

NOTE No. 3.—See the case of John S. Stiles, adjudicated in the 27th Congress, 2d session. He claimed indemnity for vessels sunk for the defence of the city of Baltimore in 1814. The Judiciary Committee of the Senate say, "that it is the duty of the government to make compensation for them and the damages which their owners had sustained." An act passed for his relief. See 6th vol. of United States Statutes at Large, page 126; also, the act for the relief of sundry citizens of Baltimore for the sinking of vessels at the mouth of the harbor of Baltimore. See 6th vol. United States Statutes at Large, page 265.

FEBRUARY 10, 1853.

DEAR SOUTHALL: Will you be good enough to see Mr. Towle, and say I have received his note respecting my claim before the Senate Committee of Claims, and ask him as to the evidence the committee requires in such cases.

I have the original *notes* for all the tobacco I had in one of the warehouses. My old record book, in which my tobacco was entered, will show the marks, number, and weight of each hogshead, and the warehouse in which it was stored. A bundle of *notes* was inadvertently thrown into the fire and burned by me, with a parcel of *old bank checks*, which had been cancelled, and other old papers which I was destroying at the time for the purpose of clearing out my secretary and writing-desk. I have also old letters, &c., written and received at the time, referring to my heavy loss. If Mr. Towle will ascertain for me from Governor Pratt in what way I can satisfy the

committee as to the justice of my claim, and will let me know, I will give prompt attention thereto, as I am exceedingly anxious to have a report this session, if it be possible.

W. G. R.

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ELK RIDGE, *June 11, 1815.*

DEAR SIR: I shall make no reply to that part of your favor of the 24th ultimo, and received some days after date, in answer to mine of the 11th, in which I endeavored to account for my conduct towards you, and in which I hope I have succeeded, but proceed at once to the business part of it.

Upon examination of the warehouse at Nottingham, I find that the enemy have left four hogsheds of my tobacco untouched, the weights and numbers of which I have annexed. Deducting those lost at Nottingham, Benedict, and Magruder's, there are left forty hogsheds, viz: 18 crop, and 22 seconds. My loss has been severe indeed, but unavoidable. I went to Nottingham to remove what I had there, but found it impossible to procure wagons or carts; and, had I succeeded, I knew not where to carry it, the private warehouses, barns, &c., for several miles, being full. You give it as your opinion that what remains had better be brought to your place; it appears to me that the difficulty in getting it together, scattered as it is, would be considerable, and perhaps it would require to be reinspected, and would stand in need of cooperage, &c.; would the difference of price in Baltimore compensate for the additional and necessary expenses for reinspection, cooperage, and transportation? The greater part of it is *good* tobacco, taken in by George Biscoe & Son, who were good judges, and particular in their selections; perhaps it would be well to offer the notes for sale first, and see what can be obtained for them, and inform me by mail, to McCay's, when I can immediately reply. I saw some sold by T. Snowden, a few days ago, to G. & J. Hoffman, at \$8 50, which was *very indifferent*, though of his own make; what I have seen of mine are very much better; if, upon inquiry, you find that they will not bring a good price now, and, in your judgment, it would be more advisable to have it reinspected and moved to Baltimore, I will proceed to have it done. I think that it will be higher in all this month than later; should news arrive from Europe unfavorable, it would at once depress the price considerably; so that I will thank you to take the trouble to inquire what you can obtain for the notes, as they now are, and let me know. I wish you to be careful of those notes, the hogsheds of which are lost, and send them to me the first safe opportunity, in case I should be able at a future day to obtain any compensation for my loss. When in Georgetown last, I had some conversation with Mr. Gantt about the bonds; he told me, *in confidence*, that he had much conversation with certain gentlemen upon the subject, and that he was *satisfied* they would be cancelled. I requested a further obligation on his part to pay the balance of the bond if payment was enforced. He said that if the penal bond was enforced, the duty bonds, having been paid, would be deducted, and

their amount with what I owed him, would be the amount of the penal bond, within about two hundred dollars. He is brother-in-law to G. W. Campbell, and is very intimate with Rush, Monroe, and Madison, from whom, I suppose, he has obtained his impressions. You will find among the tobacco notes the obligation I obtained from him when I bought the goods.

No appointments have been yet made at Georgetown. I shall write to Mr. Key on the subject to-morrow. I will transfer your stock to you at any moment you wish, or it can be sold, and the money remitted you immediately; or you can continue the instalments as long as you please; my own opinion is, their standing in my name will be of service to me, though your judgment is, doubtless, better than mine.

John C. Weems informed me, yesterday, that D. A. Smith had been in the market, and tobacco had risen, in consequence, to \$7 and \$9, and was expected still to go higher. I also annex a list of hogsheds at the different warehouses.

Your obedient servant, &c.,

WM. G. RIDGELY.

NICHOLAS G. RIDGELY, Esq., *Baltimore.*

	Hogshead crop.	Second.	Total.
At Nottingham.....	1.....	3.....	4
At Piscataway.....	9.....	12.....	21
At Bladensburg.....	2.....	1.....	3
At Georgetown.....	.....	4.....	4
At Blue Plains.....	2.....	.....	2
At Broad creek.....	1.....	1.....	2
At Upper Marlborough.....	1.....	.....	1
At Pile's warehouse.....	1.....	.....	1
At Chaptico.....	1.....	.....	1
At Cedar Point.....	.....	.....	1
			40 hogsheds.

Remaining in warehouse at Nottingham :

A H 416, 1081 — 111.....	970.
E S 87, 1076 — 80.....	996.
I B 84, 1050 — 92.....	958.
I P G 220, 1079 — 94.....	985.

I hereby certify that William G. Ridgely, of Georgetown, chief clerk in the office of the Navy Commissioners, did, on several occasions (between the appointment of commissioners under the treaty of Ghent and the dissolution of that commission,) call on me at this department, on the subject of his claim for tobacco which had been destroyed or carried away by the British in their visit to the Patuxent river

during the last war, and that he frequently advised with me and others as to the probability of remuneration being made to the losers of property of this description, and the best course he could adopt in prosecuting his claim, which he stated to have been for thirty-seven hogsheads of Patuxent tobacco; and from my knowledge of his character, derived from a long and intimate acquaintance, I have no doubt he stated the number correctly. Why this claim has not been registered on the definitive list—and it is but recently I have been apprised of the fact of its not being recorded—I am quite unable to state.

RICH'D FORREST,

*Department of State.*

JUNE 27, 1827.

NOTTINGHAM, *January 26, 1815.*

DEAR SIR: A day or two after you were at Bellefield I was there, when Mr. Oden informed me you had not received my letter of the — September last, informing you of the fate of your tobacco. Believe me, my friend, I should have accused myself of indifference and a want of gratitude for your polite attention to me, had I not have complied with your request immediately after the receipt of your letter. I wrote you by a Mr. Robert Smith, who lives in the city, and who promised to place the letter in the post office at Georgetown immediately on his arrival there. I am happy to inform you that out of your 24 hogsheads you have five remaining in the warehouse, which is as follows, viz:

T W No. 426.....	Nt. 937 }	<i>Crop.</i>
A H No. 416.....	Nt. 970 }	
I P G No. 220.....	Nt. 985 }	<i>Second.</i>
E S No. 87.....	Nt. 996 }	
I B No. 84.....	Nt. 958 }	

And from the exposed state of our warehouse, and the little hope of the general or State governments giving us any protection, I would advise you to have it removed into the interior.

Please present me respectfully to Mrs. Ridgely, and believe me yours, very sincerely,

GEO. WASHINGTON BISCOE.

WM. G. RIDGELY, Esq.  
*Georgetown, D. C.*

BALTIMORE, *December 27, 1826.*

DEAR WILLIAM: Your letter of 22d, by Miss Key, was only handed to me the day before yesterday, and I have been delayed answering it one day in looking for the tobacco notes, &c., which you will now find enclosed. I send you everything I have connected with the business which may tend to elucidate it, and sincerely hope you may be



able to make such use of the papers as to place you on the footing of a claimant for a portion of the British fund; but, really, how you can prove this tobacco was in our waters at the peace, I am at a loss to know. We had about the same time a few hogsheads burned or taken away, which we might be able to add to your list, and give you one-half of what you could get, if, indeed, we thought there was any chance and no proofs required, which we could not produce (and, indeed, very few or none we could produce.) I have spoken yesterday to Mr. Barney about Chase, and will in a few days write him a letter which he engages to do what he can with.

Yours, truly,

N. G. RIDGELY.

Mr. WILLIAM G. RIDGELY.

*List of tobacco remaining in Magruder's warehouse.*

Mark.	No.	Gross wt.	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
W. T. ....	65	988	98	890	I. F. G. ..	25	1,169	116	1,053
L. M. ....	130	1,150	97	1,053	Do. ....	26	1,062	115	947
Do. ....	131	1,188	118	1,070	R. W. ....	17	1,011	100	911
Do. ....	132	1,237	113	1,124	W. O. ....	50	1,175	114	1,061
Do. ....	152	1,183	102	1,081	F. E. ....	53	1,037	122	919
Do. ....	153	1,193	120	1,073	W. C. ....	72	1,121	114	1,007
Do. ....	154	1,116	115	1,001	L. B. G. ..	74	962	112	850
I. G. ....	163	1,000	114	886	E. M. ....	81	1,110	106	1,004
Do. ....	164	1,021	117	904	R. B. ....	83	862	115	747
Do. ....	165	1,097	117	980	R. M. ....	88	1,093	106	987
L. M. ....	166	993	131	862	D. C. ....	89	956	100	856
I. F. G. ....	228	1,168	104	1,064	W. G. ....	90	1,172	116	1,056
H. M. ....	277	1,131	109	1,022	W. C. ....	107	1,030	116	914
I. P. ....	278	1,156	125	1,031	P. E. ....	111	1,112	114	998
I. D. ....	283	1,254	110	1,144	I. A. ....	113	918	114	867
L. M. ....	290	1,044	118	926	I. L. ....	139	1,112	114	998
I. D. ....	302	1,223	112	1,111	I. A. ....	146	1,137	136	1,001
Do. ....	303	1,193	108	1,085	Do. ....	147	1,020	112	908
I. F. G. ....	305	1,212	130	1,080	A. H. W. ..	148	1,150	105	1,045
Do. ....	306	1,175	102	1,073	Do. ....	149	1,206	100	1,106
F. W. H. ..	313	1,012	106	906	G. A. ....	174	1,074	114	960
I. F. G. ....	317	1,150	106	1,044	E. P. ....	178	1,181	114	1,067
Do. ....	318	1,037	137	900	T. R. ....	182	1,091	107	984
Do. ....	319	1,000	135	865	I. M. ....	192	1,050	104	946
A. W. ....	333	920	94	826	W. C. ....	196	1,168	118	1,050
T. M. D. ....	334	1,037	106	931	B. C. ....	199	1,070	90	980
L. M. ....	354	1,218	115	1,103	E. H. ....	200	1,077	115	962
Do. ....	355	1,352	121	1,231	N. G. ....	225	1,000	102	898
I. D. ....	8	982	90	892	I. A. ....	230	1,025	127	898
I. T. ....	65	900	122	778	I. F. G. ..	252	1,037	100	937
G. W. ....	167	1,010	98	912	Do. ....	233	1,162	121	1,041
I. F. G. ....	181	1,106	114	992	Do. ....	234	1,150	100	1,050
Do. ....	183	1,125	108	1,017	I. A. ....	264	1,119	118	1,001
E. P. ....	116	1,194	100	1,094	I. F. G. ..	268	1,169	104	1,065
M. D. ....	187	1,047	100	947	I. A. ....	273	1,125	105	1,020
G. H. ....	3	1,031	118	913	Do. ....	274	1,137	144	993
T. W. ....	15	1,066	110	956	I. W. ....	276	1,000	106	894

## LIST—Continued.

Mark.	No.	Gross wt	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
I. T. ....	281	1,067	108	959	I. W. ....	97	935	113	822
H. W. ....	292	1,188	105	1,083	I. S. ....	98	1,131	110	1,021
Do. ....	293	1,162	108	1,054	T. G. ....	100	1,045	100	945
G. L. ....	294	988	102	886	I. W. ....	101	950	93	857
W. G. ....	302	1,100	112	918	Do. ....	102	1,077	81	991
I. T. ....	307	1,077	112	965	H. W. ....	104	1,240	105	1,135
C. P. ....	317	900	100	800	T. S. ....	105	1,158	71	1,087
C. M. ....	319	1,108	100	1,008	B. W. ....	106	1,044	119	925
W. C. ....	337	1,036	112	924	Do. ....	107	1,013	111	902
I. F. G. ....	338	1,200	108	1,092	B. B. ....	108	1,050	102	948
I. M. ....	352	1,138	100	1,038	W. H. ....	110	1,070	128	942
Do. ....	353	1,243	108	1,135	I. B. ....	111	1,287	110	1,177
Do. ....	358	1,246	102	1,144	I. D. ....	117	1,087	109	976
I. C. ....	359	856	112	744	P. E. ....	118	1,201	130	1,071
T. W. ....	371	1,085	108	977	Do. ....	119	1,250	125	1,125
I. T. W. ....	382	1,025	100	925	Do. ....	120	1,162	120	1,042
L. M. ....	391	1,110	125	985	H. W. ....	121	1,043	118	925
I. B. T. ....	393	875	106	769	I. H. B. ....	122	937	100	837
I. H. A. M. ....	411	775	103	672	Do. ....	123	1,081	97	984
W. M. ....	423	1,000	106	894	S. A. ....	124	1,100	102	1,004
Do. ....	424	952	110	842	G. B. ....	126	1,062	122	940
L. C. ....	1	1,056	122	934	I. N. ....	127	1,161	106	1,055
Do. ....	2	1,075	118	957	T. S. ....	128	1,050	95	955
R. I. ....	6	862	96	766	I. G. ....	129	1,118	120	998
Do. ....	11	806	106	700	B. H. ....	130	1,068	112	936
S. H. ....	19	1,000	109	891	I. W. ....	131	1,108	119	986
H. M. ....	23	941	101	840	I. G. ....	132	1,119	117	1,002
H. E. ....	31	962	92	870	M. W. M. ....	133	1,012	110	902
B. N. ....	59	1,168	112	956	I. B. ....	135	1,056	112	944
L. W. ....	60	1,056	102	954	W. N. ....	136	1,039	112	927
E. S. ....	61	1,153	125	1,028	T. R. ....	137	925	114	811
Do. ....	62	1,156	115	1,041	C. T. ....	138	1,081	100	981
I. S. ....	63	1,023	90	933	I. B. ....	139	1,065	97	968
H. M. D. ....	66	1,075	102	973	I. A. ....	140	1,019	107	912
I. H. G. ....	67	1,300	93	1,207	N. G. ....	141	1,133	112	1,021
Do. ....	68	1,262	101	1,161	S. A. ....	142	1,075	100	975
L. W. ....	69	1,029	116	913	W. N. ....	143	1,037	112	925
T. S. ....	70	1,082	96	986	I. H. B. ....	144	912	104	808
Do. ....	71	1,167	98	1,069	B. R. ....	146	1,281	119	1,162
Do. ....	72	1,073	98	975	M. D. ....	147	1,193	107	1,086
Do. ....	73	1,169	99	1,070	Do. ....	148	1,181	105	1,076
R. V. S. ....	76	1,094	102	992	I. H. G. ....	149	1,125	105	1,020
W. G. ....	78	1,056	110	946	W. T. ....	150	712	104	608
H. M. ....	79	969	102	867	I. G. ....	176	1,287	118	1,169
W. G. ....	80	1,244	111	1,133	H. P. ....	151	1,087	95	992
H. W. ....	81	1,125	107	1,018	T. E. ....	152	1,119	102	1,067
R. A. P. ....	82	1,050	93	957	W. H. ....	153	1,098	98	1,000
I. R. ....	85	1,112	102	1,010	H. W. ....	154	1,156	122	1,054
R. B. ....	86	1,187	109	1,078	I. N. ....	155	1,068	110	958
T. I. R. ....	87	1,150	113	1,087	I. P. ....	156	1,023	98	925
W. G. ....	88	1,300	114	1,186	H. P. ....	158	1,221	108	1,113
Do. ....	89	908	111	797	E. B. ....	159	1,088	114	974
L. K. ....	90	1,000	109	991	Do. ....	160	1,250	151	1,119
M. W. M. ....	91	1,068	110	958	W. N. C. ....	161	1,081	111	970
Do. ....	92	1,081	110	971	I. T. ....	162	1,012	108	904
Do. ....	93	1,062	107	955	I. M. ....	163	962	106	856
Do. ....	94	1,164	125	1,039	I. N. ....	164	1,150	110	1,040
Do. ....	95	934	122	812	B. N. ....	165	1,031	86	945
Do. ....	96	1,079	125	954	Do. ....	166	1,031	118	913

## LIST—Continued

Mark.	No.	Gross wt.	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
I. R. ....	167	1,062	108	954	R. I. ....	113	1,180	110	1,070
W. N. ....	168	1,004	110	894	Do ..... 114	1,131	108	1,023	
Do ..... 169	1,125	105	1,020	Do ..... 115	1,150	101	1,049		
I. S. ....	170	1,131	103	1,028	Do ..... 116	1,125	100	1,025	
H. P. ....	171	1,243	112	1,131	Do ..... 117	1,093	103	990	
H. W. ....	172	1,225	110	1,115	E. S. ....	89	1,048	89	954
. G. ....	173	1,258	120	1,138	C. T. ....	119	1,100	96	1,004
I. W. ....	174	1,200	114	1,086	Do ..... 120	944	80	864	
I. B. ....	175	1,031	112	919	I. D. ....	125	1,212	102	1,110
I. G. ....	177	1,252	116	1,136	I. G. ....	130	982	106	876
S. H. ....	121	1,054	95	959	E. M. ....	145	1,262	117	1,145
I. F. G. ....	132	1,272	102	1,170	L. B. G. ....	146	981	98	883
Do ..... 175	1,281	108	1,173	L. C. ....	153	1,062	103	954	
I. T. ....	136	1,212	100	1,112	P. E. ....	155	1,108	101	1,007
I. C. ....	191	1,075	111	964	A. G. ....	158	1,165	96	1,069
Do ..... 194	1,006	110	896	T. P. ....	164	1,062	106	956	
I. M. ....	196	1,200	96	1,104	C. T. ....	167	1,162	98	1,064
Do ..... 201	1,038	111	927	Do ..... 168	1,043	92	953		
I. T. W. ....	210	1,215	104	1,111	B. S. W. ....	170	1,087	87	1,000
W. N. ....	220	1,019	106	913	Do ..... 171	1,181	88	1,093	
I. P. ....	221	1,225	109	1,116	R. I. ....	172	1,087	102	985
I. H. A. M. ....	225	931	106	825	Do ..... 173	1,243	98	1,145	
I. D. ....	226	1,037	110	927	Do ..... 174	1,156	104	1,052	
W. T. S. ....	1	906	100	806	Do ..... 175	1,225	106	1,119	
R. I. ....	2	942	102	840	Do ..... 176	1,256	106	1,150	
Do ..... 3	837	100	737	Do ..... 177	1,188	102	1,086		
Do ..... 8	906	103	803	C. T. ....	179	1,083	93	990	
Do ..... 10	968	106	862	I. C. ....	180	1,088	111	977	
Do ..... 12	844	107	737	E. S. ....	181	1,069	103	966	
I. L. ....	13	931	100	831	L. C. ....	185	1,000	96	904
C. M. G. ....	19	1,027	90	937	I. F. G. ....	186	981	93	888
R. V. S. ....	26	1,000	123	877	S. H. ....	187	1,106	81	1,025
I. F. G. ....	30	1,150	100	1,050	Do ..... 188	1,062	89	973	
E. P. ....	32	987	104	883	Do ..... 189	1,037	84	953	
I. M. ....	38	1,166	106	1,060	Do ..... 190	1,150	81	1,069	
E. S. ....	43	996	95	901	W. T. C. ....	191	1,087	90	997
G. G. ....	46	1,137	88	1,049	W. G. ....	192	1,038	108	930
R. I. ....	50	1,069	108	961	T. M. ....	193	1,131	94	1,037
Do ..... 51	1,140	92	1,048	M. H. ....	199	1,256	95	1,161	
Do ..... 52	1,058	108	950	I. D. ....	200	1,125	105	1,020	
Do ..... 53	1,092	106	986	I. M. ....	202	1,148	92	1,056	
Do ..... 54	1,085	110	975	I. D. ....	206	1,025	105	920	
I. B. ....	96	1,169	98	1,075	Do ..... 207	1,120	101	1,019	
I. E. ....	97	1,081	87	994	I. R. ....	214	1,156	122	1,034
W. N. ....	100	994	107	887	Do ..... 215	1,120	126	994	
R. I. ....	98	1,027	106	921	S. G. ....	216	1,112	108	1,004
Do ..... 99	1,097	102	995	H. P. ....	217	1,136	100	1,036	
Do ..... 101	975	106	869	I. C. ....	221	975	90	885	
Do ..... 102	1,100	110	990	I. T. ....	222	1,081	117	964	
Do ..... 103	1,009	109	900	W. T. S. ....	223	1,018	100	918	
Do ..... 104	1,044	111	933	I. M. ....	224	937	107	830	
Do ..... 105	918	103	815	E. E. ....	225	1,016	102	914	
Do ..... 106	1,081	110	971	I. W. ....	226	1,200	122	1,078	
Do ..... 107	1,000	98	902	I. M. ....	227	1,075	104	971	
Do ..... 108	1,104	107	997	Do ..... 228	1,141	120	1,021		
Do ..... 109	962	103	859	Do ..... 229	1,168	122	1,046		
Do ..... 110	1,088	113	975	C. H. ....	230	1,000	100	900	
Do ..... 111	964	102	862	I. M. ....	231	1,048	113	935	
Do ..... 112	1,125	96	1,029	L. K. ....	332	1,075	95	980	

## LIST—Continued.

Mark.	No.	Gross wt.	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
I. F. G. ---	234	925	106	819	T. O. ----	46	912	122	790
I. M. ----	235	1,027	120	907	I. T. ----	47	1,114	128	986
I. B. ----	236	1,131	102	1,029	Do ----	48	1,037	122	915
I. C. ----	237	1,009	102	907	I. H. T. ---	49	1,012	131	881
I. M. ----	238	1,062	101	961	B. S. W. --	50	1,056	80	976
T. I. R. ---	239	1,075	95	980	Do ----	51	1,085	97	988
L. K. ----	178	1,106	104	992	Do ----	52	1,085	84	1,001
I. P. ----	179	1,193	113	1,080	Do ----	53	981	80	901
Do ----	180	1,066	123	943	Do ----	54	1,062	90	972
I. G. ----	181	1,288	122	1,166	Do ----	55	1,050	95	955
Do ----	182	1,206	121	1,085	Do ----	56	1,080	91	987
L. G. C. ---	183	1,077	120	957	Do ----	57	1,075	85	990
Do ----	184	1,131	118	1,013	Do ----	58	1,050	91	959
Do ----	185	1,189	120	1,069	Do ----	59	1,004	83	921
I. E. ----	186	1,062	107	955	Do ----	60	1,027	83	944
B. R. ----	187	1,175	123	1,052	Do ----	61	1,062	93	969
I. N. ----	188	1,106	106	1,000	A. W. ----	62	1,056	112	944
I. M. ----	189	1,168	112	1,056	I. W. N. --	63	1,014	101	913
W. N. ----	190	1,050	100	950	W. I. R. --	64	1,050	116	934
L. C. ----	191	1,081	114	967	C. P. ----	65	1,027	107	920
I. M. ----	192	1,150	114	1,036	B. S. W. --	66	1,030	90	935
Do ----	193	1,131	119	1,012	Do ----	67	1,000	83	917
Do ----	194	1,131	118	1,033	I. G. ----	115	1,114	114	1,000
H. P. ----	195	1,184	107	1,077	Do ----	116	1,179	121	1,058
I. W. ----	196	1,085	119	966	S. H. ----	122	1,181	89	1,092
T. S. ----	197	1,000	98	902	I. G. ----	135	1,194	120	1,074
I. W. ----	198	1,100	120	980	Do ----	139	1,256	114	1,142
Do ----	199	1,081	116	965	I. F. G. ---	150	1,100	130	970
N. G. ----	200	964	127	837	Do ----	154	1,089	131	958
Do ----	201	1,037	133	904	I. M. ----	169	958	106	852
I. P. ----	202	962	110	852	Do ----	170	1,166	114	1,052
I. E. ----	203	981	120	861	Do ----	171	1,162	100	1,062
S. H. ----	204	1,200	116	1,084	T. R. ----	7	1,175	113	1,062
M. W. ----	205	1,187	112	1,075	I. F. G. ---	8	987	120	867
Do ----	206	981	115	866	Do ----	30	1,156	114	1,042
I. B. ----	1	1,050	122	928	S. H. ----	60	1,188	84	1,104
F. M. ----	2	1,031	106	925	I. G. ----	77	1,262	108	1,154
Do ----	3	1,019	112	907	Do ----	78	1,093	106	987
W. N. ----	4	1,089	118	971	I. C. ----	85	979	116	863
F. W. ----	5	1,029	118	911	I. F. G. ---	87	1,021	115	906
B. A. W. --	6	1,243	114	1,129	S. H. ----	91	1,093	85	1,008
Do ----	7	1,231	104	1,127	Do ----	92	1,050	87	963
Do ----	8	1,080	119	961	I. G. ----	100	1,094	110	984
Do ----	9	1,048	118	930	L. B. G. ---	4	1,115	115	1,000
T. W. ----	10	1,150	106	1,044	Do ----	5	1,143	104	1,039
W. A. ----	20	1,191	116	1,075	I. F. G. ---	11	1,175	109	1,066
I. R. ----	22	988	123	865	I. G. ----	17	1,214	120	1,094
I. N. ----	25	1,089	123	966	F. E. ----	28	929	102	827
I. W. ----	26	1,009	107	902	L. B. G. ---	37	1,125	117	1,008
I. S. ----	28	1,000	90	910	D. C. ----	41	1,100	114	986
B. W. ----	29	1,123	132	991	C. S. ----	46	962	104	858
I. W. ----	30	1,062	120	942	Do ----	47	981	106	875
G. W. ----	31	1,223	122	1,101	I. N. ----	49	1,069	113	956
S. H. ----	32	1,031	119	912	E. B. ----	52	1,250	131	1,119
I. S. ----	41	1,006	96	910	I. F. G. ---	118	1,179	104	1,075
I. I. N. ---	42	1,004	100	904	S. H. ----	119	1,062	97	965
I. C. ----	43	546	118	428	Do ----	120	1,043	93	950
I. B. ----	44	965	100	865	S. H. ----	299	1,012	81	931
Do ----	45	1,054	107	947	I. P. ----	300	1,125	108	1,017



## LIST—Continued.

Mark.	No.	Gross wt.	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
I. P. ....	301	1,112	100	1,012	G.F.W. ....	12	975	110	865
Do. ....	302	969	104	865	I.F.G. ....	14	1,118	108	1,010
I.D. ....	305	1,023	108	915	I.I.N. ....	15	1,030	104	926
E.E. ....	306	1,067	93	974	E.S. ....	16	1,206	102	1,104
I.F. ....	307	1,035	93	942	Do. ....	17	1,200	96	1,104
I.D. ....	308	1,014	100	914	F.G. ....	18	925	101	824
G.M. ....	309	985	96	889	E.S. ....	19	1,062	95	967
T.S. ....	310	1,142	109	1,033	D.T. ....	20	1,106	110	996
I.M. ....	311	1,018	101	967	I.M. ....	21	1,150	100	1,056
I.D. ....	312	1,027	98	929	Do. ....	22	962	89	873
S.G. ....	326	1,215	104	1,111	Do. ....	23	912	87	825
I.W. ....	327	1,062	92	970	A.M. ....	24	1,200	105	1,095
I.D. ....	331	1,144	104	1,040	I.G. ....	26	1,025	98	927
Do. ....	332	1,202	100	1,102	E.S. ....	27	1,058	95	963
I.F.G. ....	334	1,050	98	952	W.T. ....	31	904	86	818
W.W. ....	336	1,125	90	1,038	I.G. ....	34	1,056	101	950
Do. ....	337	1,033	88	945	N.G. ....	35	1,119	99	1,020
I.C. ....	338	1,030	96	934	P.R. ....	38	944	95	849
W.C. ....	340	1,087	116	971	I.C. ....	39	1,114	105	1,009
Do. ....	341	1,019	119	900	L.W. ....	40	1,014	89	925
R.B. ....	352	1,008	106	902	I.S. ....	41	1,087	98	989
I.B. ....	334	1,083	107	976	I.B. ....	42	1,256	122	1,134
I.M.M. ....	335	1,150	125	1,025	T.S. ....	43	1,094	98	995
W.T.S. ....	336	1,008	82	926	Do. ....	44	1,110	102	1,008
I.M. ....	337	1,012	105	907	Do. ....	45	1,013	100	933
Do. ....	360	1,075	106	969	Do. ....	46	1,106	98	1,008
F.D. ....	364	912	90	822	L.M. ....	47	1,037	121	916
I.B. ....	365	962	111	851	V.G. ....	48	1,069	98	971
H.R. ....	366	1,010	83	927	I.M. ....	49	1,052	96	936
R.B. ....	367	1,006	100	906	Do. ....	50	1,137	103	1,034
C.H. ....	368	1,034	118	916	I.W. ....	53	1,102	100	1,002
L.K. ....	369	1,012	91	921	G.G. ....	54	1,170	96	1,074
I.M. ....	370	1,014	102	912	G.C.H. ....	55	1,075	112	963
W.W. ....	372	1,085	90	995	I.N. ....	56	1,060	110	950
I.N. ....	374	1,040	96	944	E.S. ....	57	1,216	104	1,112
G.F.W. ....	375	1,087	104	983	T.C.R. ....	45	1,112	107	1,005
Do. ....	376	1,100	104	996	I.F.G. ....	51	1,220	96	1,124
Do. ....	377	1,062	108	954	T.P. ....	62	912	92	820
Do. ....	378	1,087	101	986	R.I. ....	83	1,150	106	1,044
T.W. ....	379	1,075	106	969	Do. ....	84	1,088	106	982
E.M. ....	380	1,137	114	1,023	Do. ....	85	1,212	108	1,104
I.C. ....	281	1,006	100	906	Do. ....	86	1,190	102	1,088
E.P. ....	382	1,062	104	958	B.W.B. ....	96	931	102	829
I.B. ....	383	1,114	96	1,018	I.B. ....	107	1,142	106	1,036
Do. ....	384	1,145	94	1,051	I.S. ....	127	1,050	112	936
I.M. ....	385	1,087	90	997	Do. ....	128	1,031	97	934
E.M. ....	387	1,122	114	1,008	I.T. ....	134	1,067	110	957
E.S. ....	388	1,208	115	1,097	I.M. ....	135	1,122	96	1,026
I.C. ....	389	1,077	111	966	I.W. ....	138	927	79	848
Do. ....	1	1,075	111	964	R.V.S. ....	141	1,038	111	927
E.S. ....	2	1,160	111	1,049	I.D. ....	142	1,033	110	923
I.B. ....	3	1,129	100	1,029	I.B. ....	144	1,162	93	1,069
M.W. ....	4	1,069	118	951	Do. ....	145	1,212	102	1,110
L.C. ....	6	975	122	853	I.H.G. ....	146	956	102	854
G.F.W. ....	7	1,110	98	1,012	G.M. ....	148	1,131	108	1,023
Do. ....	8	993	108	885	I.M. ....	149	1,069	95	974
Do. ....	9	1,062	101	962	I.P. ....	153	1,075	110	965
Do. ....	10	1,023	102	921	G.M. ....	154	1,055	108	947
Do. ....	11	975	104	871	I.P. ....	155	1,112	102	1,010

## LIST—Continued.

Mark.	No.	Gross wt.	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
R. I. ....	157	1,027	104	923	R. I. ....	286	994	98	896
Do. ....	158	1,112	103	1,009	I. F. G. ....	285	1,050	104	946
Do. ....	159	1,013	109	922	M. H. ....	287	1,072	102	970
Do. ....	160	1,075	114	961	M. D. ....	289	995	107	888
Do. ....	161	1,100	111	989	Do. ....	290	942	103	839
Do. ....	162	1,106	108	998	S. H. ....	293	1,125	82	1,043
Do. ....	163	981	108	873	Do. ....	294	1,154	81	1,071
Do. ....	164	1,037	107	930	Do. ....	295	1,093	86	1,007
Do. ....	165	1,025	109	916	Do. ....	296	1,012	92	926
Do. ....	166	1,130	106	1,024	Do. ....	297	1,042	82	960
Do. ....	167	1,012	110	902	Do. ....	298	1,075	83	992
Do. ....	169	1,023	110	913	I. B. ....	1	1,135	95	1,040
Do. ....	170	1,121	107	1,014	W. C. ....	2	1,039	100	939
Do. ....	171	1,009	109	900	G. F. W. ....	4	1,137	108	1,029
Do. ....	172	1,134	100	1,034	Do. ....	5	994	108	886
Do. ....	173	1,150	103	1,047	Do. ....	6	1,175	104	1,071
Do. ....	174	1,058	107	951	I. W. ....	7	1,087	115	972
Do. ....	175	1,006	110	896	I. E. ....	10	935	81	854
Do. ....	177	985	109	876	I. M. ....	11	1,018	95	923
Do. ....	178	1,190	104	1,086	E. G. ....	13	1,062	91	971
Do. ....	179	1,025	102	923	I. N. ....	14	1,131	105	1,062
W. N. ....	168	865	100	765	T. S. ....	15	1,142	96	1,046
I. W. ....	180	960	83	877	Do. ....	16	1,104	99	1,005
W. I. G. ....	186	1,000	106	894	B. N. ....	17	1,094	110	884
T. W. ....	187	1,052	102	947	L. C. ....	18	1,222	132	1,090
I. D. ....	188	950	107	843	Do. ....	20	1,106	117	989
C. T. ....	191	1,075	85	990	M. W. M. ....	23	889	130	759
I. R. ....	199	1,156	108	1,048	L. W. ....	24	1,156	106	1,050
E. B. ....	201	1,094	112	982	I. R. ....	26	1,100	100	1,000
C. T. ....	205	1,112	87	1,025	T. S. ....	27	1,193	98	1,095
Do. ....	206	1,062	92	970	I. R. ....	28	1,075	100	975
A. M. ....	208	1,075	100	975	E. W. ....	29	1,187	114	1,073
I. M. ....	209	1,075	98	977	H. W. ....	31	1,294	119	1,050
I. T. ....	211	1,185	109	1,070	C. T. ....	39	1,168	106	1,062
M. H. ....	213	1,018	108	910	H. W. ....	40	1,062	112	950
W. C. ....	215	1,100	110	990	W. N. ....	41	1,030	119	911
L. B. G. ....	217	1,042	100	942	B. B. ....	42	965	105	860
I. C. ....	219	968	107	861	W. G. ....	43	1,158	126	1,032
I. D. ....	228	1,031	96	935	I. H. G. ....	44	1,300	100	1,200
I. E. ....	240	1,114	85	1,029	Do. ....	45	1,350	117	1,233
R. B. C. ....	242	982	99	883	N. G. ....	47	1,144	122	1,022
I. F. G. ....	243	996	102	894	I. C. ....	48	1,108	116	992
L. B. G. ....	244	1,006	95	911	N. G. ....	49	1,062	126	936
W. N. ....	248	923	104	819	P. E. ....	50	1,256	118	1,138
W. N. C. ....	249	1,083	103	980	Do. ....	51	1,050	123	927
I. H. G. ....	259	1,145	95	1,050	H. P. ....	52	1,229	106	1,123
T. P. ....	260	970	113	857	W. H. ....	53	1,162	98	1,064
B. S. W. ....	265	1,108	86	1,022	I. N. ....	54	1,181	106	1,075
Do. ....	266	1,137	87	1,050	W. N. ....	55	1,018	118	900
Do. ....	267	1,107	87	1,020	I. G. ....	56	1,212	125	1,087
Do. ....	268	1,042	84	958	Do. ....	57	1,194	123	1,071
M. H. ....	269	931	108	823	W. N. ....	58	1,072	111	961
R. V. S. ....	271	1,138	104	1,034	E. B. ....	59	1,002	121	881
I. M. ....	272	1,108	116	992	L. C. ....	60	1,237	108	1,129
I. R. ....	273	1,012	103	909	Do. ....	61	1,212	126	1,086
R. I. ....	277	1,225	100	1,125	C. W. ....	62	1,250	125	1,125
Do. ....	278	1,275	102	1,173	E. E. ....	63	1,175	118	1,057
Do. ....	279	1,280	106	1,194	I. N. ....	64	1,126	115	1,011
Do. ....	280	1,208	104	1,104	I. M. ....	65	958	100	858

## LIST—Continued.

Mark.	No.	Gross wt.	Tare.	Net wt.	Mark.	No.	Gross wt.	Tare.	Net wt.
I. B. ----	66	1,087	98	989	I. F. G. --	182	1,075	108	967
W. H. ----	67	1,027	123	904	R. I. ----	176	1,231	104	1,127
L. C. ----	68	1,077	106	961	B. W. B. --	233	1,002	102	900
T. P. ----	69	1,106	113	993	T. O. ----	338	950	110	840
I. W. ----	70	1,319	125	1,194	B. C. ----	183	982	111	871
T. S. ----	71	1,169	98	1,071	W. C. ----	191	1,166	106	1,060
Do. ----	72	1,119	120	999	I. M. ----	67	1,192	90	1,002
Do. ----	73	1,100	108	992	Do. ----	68	1,225	92	1,133
Do. ----	74	1,137	102	1,035	I. D. ----	32	1,162	118	1,044
H. R. ----	75	843	120	723	L. C. ----	114	931	114	817
M. W. ----	76	1,048	117	931	Do. ----	115	1,062	128	934
G. A. ----	77	1,092	131	961	Do. ----	116	973	123	850
B. R. ----	78	1,125	125	1,000	I. D. ----	201	1,075	114	961
T. E. ----	4	1,018	114	904	G. A. ----	23	815	96	719
H. N. ----	13	1,083	99	984	I. M. ----	150	1,108	114	994

Received, the 11th of March, 1813, of James Naylor, (late inspector,) six hundred and ninety-eight hogsheads of tobacco, now in Magruder's warehouse.

JAMES BADEN.

STATE OF MARYLAND,

*Prince George's county, set :*

I hereby certify that the within and aforegoing is truly taken and copied from the original, now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of

[SEAL.] Prince George's county court, this 12th day of December, A. D. 1849.

JOHN B. BROOK,

*Clerk of Prince George's county court.*

*List of tobacco notes belonging to William G. Ridgely, of Georgetown, in the District of Columbia, taken or destroyed by the enemy at the warehouses at Benedict, Magruder's, and Nottingham, on Patuxent river, during their visit to that river in the year 1814.*

Mark.	No.	Gross.	Tare.	Net.	Date of note.	Name of wareh'se.
T. C.-----	175	992	92	900	June 30, 1810	Nottingham ---
	150	1,000	88	912	June 15, 1810	---do-----
	151	1,052	89	963	-----do-----	---do-----
	176	1,047	94	953	June 30, 1810	---do-----
	284	1,116	107	1,009	Aug. 29, 1810	---do-----
	210	1,289	103	1,186	-----do-----	---do-----
	211	1,284	112	1,172	-----do-----	---do-----
	120	1,077	100	977	June 15, 1810	---do-----
	282	1,253	100	1,153	Oct. 31, 1810	---do-----
I. B.-----	96	1,063	100	963	May 16, 1810	---do-----
	84	1,050	92	958	May 25, 1810	---do-----
E. S.-----	400	1,041	106	935	Nov. 28, 1810	---do-----
	231	1,346	98	1,248	Sept. 15, 1810	---do-----
	87	1,076	80	996	May 26, 1810	---do-----
W. C.-----	46	1,023	88	935	April 7, 1810	---do-----
W. N.-----	102	1,055	106	949	May 22, 1810	---do-----
A. H.-----	416	1,081	111	970	Dec. 20, 1810	---do-----
I. M.-----	158	1,146	109	1,037	June 23, 1810	---do-----
G. P.-----	307	1,047	95	952	Sept. 8, 1810	---do-----
I. P. G.-----	299	1,064	92	972	Sept. 3, 1810	---do-----
	220	1,079	94	985	-----do-----	---do-----
I. G.-----	408	1,069	114	955	Dec. 8, 1810	---do-----
A. P.-----	325	1,062	112	950	-----do-----	---do-----
G. F. W.-----	375	1,087	104	983	March 9, 1811	Magruder's---
	376	1,100	104	996	-----do-----	---do-----
	377	1,062	108	954	-----do-----	---do-----
	378	1,087	101	986	-----do-----	---do-----
	7	1,110	98	1,012	April 2, 1811	---do-----
	8	993	108	885	-----do-----	---do-----
	9	1,062	100	962	-----do-----	---do-----
	10	1,062	100	962	-----do-----	---do-----
	11	975	104	871	-----do-----	---do-----
	12	975	110	865	-----do-----	---do-----
I. W.-----	327	1,062	92	970	Nov. 3, 1810	---do-----
S. G.-----	216	1,112	108	1,004	Nov. 18, 1810	---do-----
I. C.-----	352	1,174	106	1,068	April 2, 1811	Benedict-----
R. L.-----	287	890	78	812	Jan 2, 1810	---do-----
I. B. W.-----	115	1,087	93	994	Oct. 19, 1810	---do-----
I. I.-----	126	1,126	93	1,033	Nov. 21, 1810	---do-----
I. B. I.-----	141	1,010	87	923	-----do-----	---do-----

*Patuxent River, Nottingham Warehouse, December 8, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of Alexander Philpott one hogshhead of second tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Philpott, or his order, for exportation, when demaded. BOSWELL & FOWLER, <i>Inspectors.</i>
A. P.	325	1,062	112	950	



## LIST—Continued.

*Patuxent River, Nottingham Warehouse, December 8, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
F. G.	408	1,069	114	955	Received of Francis Green one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Green, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, September 3, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
I. P. G.	299	1,064	92	972	Received of John P. Greenfield one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Greenfield, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, September 8, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
G. P.	307	1,047	95	952	Received of Gustavus Proctor one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Proctor, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, June 23, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
I. M.	158	1,146	109	1,037	Received of James Moreland one hogshead of crop tobacco, mark, number, and weight as per margin, to be delivered to said Moreland for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, May 22, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
W. N.	102	1,055	106	949	Received of William Nevitt one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Nevitt, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, April 7, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
W. C.	46	1,023	88	935	Received of Wm. Cooke one hogshead of crop tobacco, mark, number, and weight as per margin, which we promise to deliver to the said Cooke, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

## LIST—Continued.

*Patuxent River, Nottingham Warehouse, September 15, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of Elizabeth Smith one hogshead of second tobacco, mark, number, and weight, as per margin, which I promise to deliver to the said Smith, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors</i> .
E. S.	231	1, 346	98	1, 248	

*Patuxent River, Nottingham Warehouse, November 28, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of Elisha Skinner one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Skinner, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors</i> .
E. S.	400	1, 041	106	935	

*Patuxent River, Nottingham Warehouse, May 16, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of John Boone one hogshead of crop tobacco, mark, number, and weight as per margin, to be delivered to said Boone, or order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors</i> .
L. B.	96	1, 063	100	963	

*Patuxent River, Nottingham Warehouse, October 31, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of Thomas Contee one hogshead of second tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors</i> .
T. C.	282	1, 253	100	1, 153	

*Patuxent River, Nottingham Warehouse, June 15, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of Thomas Contee one hogshead of second tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors</i> .
T. C.	120	1, 077	100	977	

*Patuxent River, Nottingham Warehouse, August 29, 1810.*

Mark.	No.	Gross.	Tare.	Net.	Received of Thomas Contee two hogsheads of second tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors</i> .
T. C.	210	1, 289	103	1, 186	
	211	1, 284	112	1, 172	

## LIST—Continued.

*Patuxent River, Nottingham Warehouse, June 30, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
T. C.	176	1,047	94	953	Received of Thomas Contee one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, June 15, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
T. C.	150	1,000	88	912	Received of Thomas Contee two hogsheads of crop tobacco, mark, number, and weight as per margin, which we promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>
	151	1,052	89	963	

*Patuxent River, Nottingham Warehouse, June 30, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
T. C.	175	992	92	900	Received of Thomas Contee one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

*Patuxent River, Nottingham Warehouse, August 29, 1810.*

Mark.	No.	Gross.	Tare.	Net.	
T. C.	284	1,116	107	1,009	Received of Thomas Contee one hogshead of crop tobacco, mark, number, and weight as per margin, which I promise to deliver to the said Contee, or his order, for exportation, when demanded. BOSWELL & FOWLER, <i>Inspectors.</i>

Mark.	No.	Gross.	Tare.	Net.	Date of Note.	Name of wareh'se.
T. C.-----	175	992	92	900	June 30, 1810	Nottingham.---
	150	1,000	88	912	June 15, 1810	-----do.-----
	151	1,052	89	963	-----do.-----	-----do.-----
	176	1,047	94	953	June 30, 1810	-----do.-----
	284	1,116	107	1,009	Aug. 29, 1810	-----do.-----
T. W.-----	426	1,045	108	937	Jan. 14, 1811	-----do.-----
I. B.-----	96	1,063	100	963	May 16, 1810	-----do.-----
E. S.-----	400	1,041	106	935	Nov. 28, 1810	-----do.-----
W. C.-----	46	1,023	88	935	April 7, 1810	-----do.-----
W. N.-----	102	1,055	106	949	May 22, 1810	-----do.-----
A. H.-----	416	1,081	111	970	Dec. 20, 1810	-----do.-----
I. M.-----	158	1,146	109	1,037	June 23, 1810	-----do.-----
G. P.-----	307	1,047	95	952	Sept. 8, 1810	-----do.-----
I. P. G.-----	299	1,064	92	972	Sept. 3, 1810	-----do.-----
F. G.-----	408	1,069	114	955	Dec. 8, 1810	-----do.-----
A. P.-----	325	1,062	112	950	-----do.-----	-----do.-----

## LIST—Continued.

Mark.	No.	Gross.	Tare.	Net.	Date.	Name of wareh'se.
E. S. -----	231	1,346	98	1,248	Sept. 15, 1810	Nottingham.---
	87	1,076	80	996	May 26, 1810	-----do.-----
T. C. -----	210	1,289	103	1,186	Aug. 29, 1810	-----do.-----
	211	1,284	112	1,172	-----do.-----	-----do.-----
I. B. -----	84	1,050	92	958	May 25, 1810	-----do.-----
T. C. -----	120	1,077	100	977	June 15, 1810	-----do.-----
	282	1,253	100	1,153	Oct. 31, 1810	-----do.-----
I. P. G. -----	220	1,079	94	985	Sept. 3, 1810	-----do.-----
G. F. W. -----	375	1,087	104	983	March 9, 1811	Magruder's.---
	376	1,100	104	976	-----do.-----	-----do.-----
	377	1,062	108	954	-----do.-----	-----do.-----
	378	1,087	101	986	-----do.-----	-----do.-----
I. W. -----	327	1,062	92	970	Nov. 3, 1810	-----do.-----
G. F. W. -----	9	1,062	100	962	April 2, 1811	-----do.-----
	10	1,062	100	962	-----do.-----	-----do.-----
	11	975	104	871	-----do.-----	-----do.-----
	12	975	110	865	-----do.-----	-----do.-----
	7	1,110	98	1,012	-----do.-----	-----do.-----
	8	993	108	885	-----do.-----	-----do.-----
S. G. -----	216	1,112	108	1,004	Nov. 18, 1814	-----do.-----
I. C. -----	352	1,174	106	1,068	April 2, 1811	Benedict.---
R. L. -----	287	890	78	812	Jan. 2, 1810	-----do.-----
I. B. W. -----	115	1,087	93	994	Oct. 19, 1810	-----do.-----
I. I. -----	126	1,126	93	1,033	Nov. 21, 1810	-----do.-----
I. B. I. -----	141	1,010	87	923	-----do.-----	-----do.-----

SENATE COMMITTEE OF CLAIMS,  
February 9, 1853.

SIR: In reference to your petition "praying indemnity for tobacco destroyed by the British in the war of 1812," now pending before this committee, I am directed by Governor Pratt to inform you that there is no evidence accompanying your petition upon which the committee can act. The destruction of the warehouses named by you may be an admitted fact, but there is no evidence submitted that any property belonging to you was destroyed, or that you had any tobacco in the warehouses at all. The unsupported statement of a claimant, however respectable, cannot be received as evidence.

Respectfully, your obedient servant,

N. C. TOWLE,  
Clerk Committee of Claims.

Mr. W. G. RIDGELY,  
Georgetown, D. C.

IN THE SENATE OF THE UNITED STATES—January 4, 1854.

Mr. PRATT, from the Committee of Claims, submitted a report, (No. 19,) accompanied by the following bill; which was read, and passed to a second reading:



## A BILL for the relief of William G. Ridgely.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers of the treasury shall audit the claim of William G. Ridgely, for tobacco destroyed by the British, in eighteen hundred and fourteen, at the warehouses at Nottingham and Magruder's Ferry, in Prince George's county, and at Benedict, in Charles county, Maryland, and from such proof as may be exhibited to them, within six months after the passage of this act, ascertain the quantity and value of his tobacco so destroyed; and that the amount so ascertained shall be paid, out of any money in the treasury not otherwise appropriated, to the said William G. Ridgely.

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IN THE SENATE OF THE UNITED STATES—May 2, 1856.

Mr. Wade made the following report, (to accompany bill S. 278:)

*The Committee of Claims, to whom was referred the petition of William G. Ridgely, report:*

This claim is for indemnity for a quantity of tobacco belonging to the petitioner, which was destroyed by the British during the invasion of Maryland, in the year 1814. The tobacco was stored in the public warehouses at Nottingham, Magruder's and Benedict, in said State, and the facts and circumstances attending its destruction are set forth in the report from this committee (No. 183) at the last session of Congress, on the petitions of the widow of Rinaldo Johnson, and of Hodges and Lansdale, for whose relief a bill was reported and passed the Senate. The provisions of the bill referred to authorizes the proper accounting officers of the treasury to audit the claims of the said claimants, and to ascertain the quantity and value of their tobacco so destroyed, and that the amount so ascertained should be paid. As the claim of Mr. Ridgely involves the same facts and principles, it is deemed just and equitable that the same relief should be extended to him. The accompanying bill is accordingly reported.

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IN THE SENATE OF THE UNITED STATES—May 2, 1856.

Mr. WADE made the following report, (to accompany bill S. 278:)

*The Committee of Claims, to whom were referred the petition of the widow of Rinaldo Johnson, and the petition of Hodges & Lansdale, providing indemnity for tobacco destroyed by the British in 1814, have given the subject a thorough investigation, and now report:*

That Commodore Barney, in 1814, commanded the United States flotilla designed by the American government to protect the Chesapeake bay and its tributaries from the naval force of the enemy; that to prevent the capture of the vessels under his command, he was com-

pelled to abandon the Chesapeake, and was induced to sail up the Patuxent river, one of its tributaries, with the hope that the British would be unable, or at least unwilling, to follow with their larger vessels. This expectation of the commodore was not realized; he was pursued by the enemy, and was ultimately compelled to blow up his vessels to prevent their capture.

It is well known to the Senate that from this period the Patuxent river was permanently occupied by the naval forces of the enemy, and became the point from which various military expeditions were ordered against the surrounding country, terminating with the capture of Washington, and the burning of the Capitol. General Winder was placed in command of this military division; the militia was called out to resist the landing of the British forces, and for a considerable period were successful in several instances in preventing the landing, and in all instances in driving the enemy back to their vessels.

It appears, from the evidence, that two public warehouses had been erected many years before this period upon the margin of the Patuxent, for the inspection and deposit of the tobacco grown by the citizens of Prince George's county—one at the village of Nottingham, the other at Magruder's Ferry; that these houses were in 1814 filled with hogsheads of tobacco, the property of the planters of that county, or of merchants who had purchased it for shipment; and that the tobacco for which remuneration is now claimed by the petitioner, R. Johnson, had been deposited in the warehouse at Magruder's Ferry, and that the tobacco for which payment is asked by Hodges & Lansdale was deposited in the warehouse at Nottingham. The evidence conclusively establishes the fact that the warehouse at Magruder's Ferry was burned by the British, with all the tobacco it contained, and that all the tobacco in the warehouse at Nottingham was either taken away or burned by the enemy.

In investigating the right of the petitioners to indemnity from the federal government, your committee at once perceive that the petitioners could never have claimed indemnity under the general laws of 1816 and 1817, because the relief designed to be afforded by those acts *expressly and exclusively* applied to injuries to *real property*. The act of 1816 provides "that any person who, in the time aforesaid, has sustained damages by the destruction of his or her *house or building* by the enemy, while the same was occupied as a military deposit under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

Your committee have been unable to recognise the force or propriety of the distinction which makes the United States liable for *real property* destroyed by the enemy, and which exempts the government from liability for *personal property* destroyed under the same circumstances; they are unable to appreciate the justice of a rule which makes the government liable for a house burned by the enemy, and exempts it from liability for the personal property burned in the house.

Your committee are of opinion that the United States should be held liable to reimburse her citizens, whenever private property has been (in accordance with the usages of civilized warfare) destroyed by a

public enemy, *because of its use* for military purposes by the authority of an officer or agent of the government.

Your committee believe that the facts, to which they will now very briefly advert, fully establish the right of the petitioners to relief, under the principle here laid down.

First. In reference to the warehouse at Magruder's Ferry, it appears that a considerable American force was stationed behind this warehouse, which, being filled with tobacco, afforded complete protection against the cannon of the enemy, and that a battle was fought with the British vessels, which continued until the ammunition of our troops was exhausted, and they were consequently obliged to retreat. It is clearly proven that upon the retreat of the American forces, the British landed and burned the warehouse, with the tobacco of the petitioner, R. Johnson, and others therein contained. In regard to the tobacco destroyed at the Nottingham warehouse, it appears that this warehouse was for a considerable time the depository of the military stores intended for the use of the militia employed in the defence of this exposed section of Maryland, and that upon one occasion the tobacco was rolled, by the directions of the officer in command, from this house, with which a breastwork was formed, from behind which the enemy were fought and repulsed. It also appears that when the enemy subsequently landed and proceeded to Washington, they destroyed or took away all the tobacco deposited in this warehouse which belonged to the petitioners, Hodges & Lansdale, and others.

Your committee further report that no possible doubt can exist as to the quantity of the tobacco which belonged to the petitioners, because it is evidenced by tobacco notes now in their possession, or deposited in the State Department, which designate each hogshead and the net weight of its contents. There are many precedents, to which your committee do not deem it necessary to refer, where the government have paid for personal property destroyed under similar circumstances. The value of the tobacco is also established by satisfactory proof; but the committee have deemed it better, in the bill which they have prepared for the relief of the petitioners, to provide that the proper accounting officers of the treasury shall ascertain, from such proof as may be laid before them, the quantity and value of the tobacco destroyed, and shall pay the value so to be ascertained.

There being no distinction in principle in the right of the petitioners to relief, the committee have reported a bill for their joint relief, which they confidently recommend to the favorable consideration of the Senate.

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NOTTINGHAM, *August 28, 1828.*

SIR: At your request for information in relation to the tobacco (your property) taken from the warehouses at Nottingham by the British during the period of their invasion, I have to state that a part of your tobacco was used by my order, as commanding officer at Nottingham, for the purpose of erecting a breastwork for the defence

of the place ; and, to the exception of three or four hogsheads, I am confident, out of the sale I made to you of 105 hogsheads, that the remainder was carried away by the enemy. I also recollect that Benjamin Oden, esq., remarked that a part of the tobacco thus used was sold by him to you.

With due respect, yours, very truly,

GEO. W. BISCOE.

CHARLES J. CATLETT, Esq.

DISTRICT OF COLUMBIA, }  
*Washington county,* } *to wit:*

On this 28th day of August, 1828, personally appeared George W. Biscoe before me, the subscriber, a justice of the peace in and for the county aforesaid, and made oath on the Holy Evangelist of Almighty God that the facts as stated in the above and foregoing letter are correct and true, to the best of his knowledge and belief.

JAMES ORD, J. P.

GRAYSTOWN, *February 27, 1832.*

SIR: I have been requested by Mr. Catlett to state to the committee over which you preside my knowledge and opinion of the destruction of the tobacco in the tobacco warehouses in the lower counties of Maryland by the enemy during the late war with England. I have no personal knowledge of any except the warehouse and its contents at Cedar point, in Charles county, which was certainly destroyed, so far as we can judge of the actions of men, in consequence of an attack on the enemy at that place by the militia under the command of the late General Stuart, because the warehouse, with the tobacco, afforded protection to the American troops. A tobacco warehouse, filled with tobacco, is believed to be cannon-proof, and the house then full afforded complete protection to a portion of our troops. It was burned by the enemy in the evening of the day of the engagement.

I have no knowledge of the circumstances attending the burning of other warehouses ; but from their situation, the complete protection they afforded persons covered by them, and the generally prevailing opinion in that part of the country at the time, I have no doubt that most of them were destroyed to deprive our troops of shelter and protection.

I have the honor to remain, very respectfully, yours, &c.,

B. J. SEMMES.

Hon. W. C. WHITTLESEY,

*Chairman Committee of Claims, Washington.*



HOUSE OF REPRESENTATIVES, *February 27, 1832.*

Having been requested by Mr. Catlett, of Maryland, to state my knowledge of the manner of the destruction of the tobacco warehouse at Cedar Point, on the Patuxent, I would remark that during the late war, I think in the summer of 1814, some schooners of the enemy were anchored off the warehouse; that some of the crews landed and were in the act of taking away some of the tobacco, when General Stuart, the commander of the troops in the vicinity, ordered them down, and commenced an attack with artillery upon the enemy at the warehouse; that after firing several shots from cannon, &c., the warehouse was set fire to by the enemy and levelled to the ground, with all the tobacco then in the house. Had the attack not have been made by the American troops, it is believed that the house would not have been fired, as above and below, on the Potomac, tobacco warehouses were visited by the enemy and not destroyed. Being at the time acting as an aid to the general, I was present and saw the attack and firing of the tobacco warehouse.

Yours, &amp;c.,

D. JENIFER.

The COMMITTEE OF CLAIMS.

NOTTINGHAM, *February 27, 1832.*

DEAR SIR: The statement which I am about to make, if necessary, I can verify on oath. I now do so, on honor, as brigade commander of the militia of Maryland and an officer holding a commission of surveyor and inspector of the revenue under the general government. You request information on the subject of the defence of Magruder's warehouses, in June, 1814, by a detachment of militia acting under my orders. In reply, I have to state, that the captain in command reported to me his encounter with the enemy at that place; he stated that, on the near approach of the British barges (said to be) under the command of Commodore Baine and Colonel Malcomb, of Maine, he posted his men behind the warehouses, situated within thirty yards of the shore, and that so soon as his fire of musketry could be deemed effectual, he commenced and continued to do so for an hour or two, being under cover of the warehouses; finally his ammunition became expended, and he was compelled to retire; the enemy then landed and set fire to the warehouses, which were burned.

I am aware that you sustained considerable loss in tobacco there, and elsewhere on the Patuxent river, from the circumstance of your having purchased of me more than one hundred hogsheads, which, with the exception of a few, say (to the best of my recollection) four or five at the warehouses here, was either burned in Magruder's warehouses, at the period above stated, or was carried away by the enemy, on their retreat from the city of Washington, to the shipping at this

place. At one period I used the tobacco in the warehouses here for military purposes ; a part of which was, I recollect, your property, (having sold it to you.)

Wishing you success in your appeal to Congress, I remain, truly,  
your obedient servant,

GEO. WASHINGTON BISCOE,

CHARLES J. CATLETT, Esq.

DISTRICT OF COLUMBIA, } *to wit:*  
*Washington county,*

On this 20th day of December, 1833, personally appeared before me, the subscriber, a justice of the peace in and for said county, Jesse Selby, and makes oath on the Holy Evangelist of Almighty God, that he was stationed at Magruder's warehouse, on the Patuxent river, in June, 1814, in a company of Maryland militia, commanded by Captain Joshua Naylor ; and that the said warehouse, he verily believes, was burned in consequence of said company being there, and the said warehouse affording protection, and being occupied by them. This deponent further states that Captain Naylor died in the year 1825.

Sworn before

HENRY WERTZ, J. P.

DISTRICT OF COLUMBIA, } *to wit:*  
*Washington county,*

On this 20th day of February, 1835, before me, the subscriber, a justice of the peace in and for said county, personally appeared James Baden, and made oath on the Holy Evangelist of Almighty God, that General George W. Biscoe, commanding the Maryland militia, on the 17th day of June, 1814, (then Major Biscoe,) ordered the tobacco to be rolled out of the warehouse in *Nottingham*, in Prince George's county, Maryland, and a large breastwork made of the tobacco, the cannon planted behind it, and then we fired on the British, who manned eleven barges, commanded by Commodore Barry, who at that time retreated ; the heads were out of many hogsheads, and the tobacco a good deal torn out. The British, some time after, took the most of the tobacco from that warehouse, and they kept possession of the waters of the Patuxent river as high as Nottingham from that time until they burned the Capitol.

Captain Naylor's company of Maryland militia were stationed behind *Magruder's warehouse*, and as soon as the British barges came within gunshot commenced firing upon them, and continued until the ammunition was expended. They then retreated ; and the enemy immediately landed, set fire to the warehouse, and burned all the tobacco within it. This was on the 17th day of June, 1814, as above

stated, which day we prevented them from coming to Nottingham, which probably prevented that warehouse from sharing the same fate. This deponent further saith that he was inspector at Magruder's warehouse, but commanded a company on that day at Nottingham. Charles J. Catlett was a large owner of tobacco, and a very heavy sufferer. This deponent further saith that he was appointed inspector in January, 1813, at Magruder's warehouse. Previous to his appointment, James Naylor was the inspector.

JAMES BADEN.

Sworn to and subscribed before me, the day and year first before written.

ROBERT CLARKE, *J. P.*

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James Baden of Prince George's county, in the State of Maryland, states that General George W. Biscoe was commanding the Maryland militia on the 17th of June, 1814, (then Major Biscoe,) and ordered the militia companies to roll the tobacco out of the warehouses in Nottingham, and made barricades and fortifications of the hogsheads of tobacco which was stored in said warehouse, and ordered also the cannon to be planted behind it; that the militia then fired on the British who manned eleven barges commanded by Commodore Barry, who at that time retreated. That the British afterwards took the tobacco out of the warehouse and that which had been rolled out and used as a fortification, and destroyed and carried it away. That the British kept possession of the waters of the Patuxent river as high as Nottingham until they had destroyed the Capitol. That Captain Naylor's company of Maryland militia were stationed behind Magruder's warehouse, which was taken possession of by the militia as a military post, by order of the commanding officer, Major Biscoe, and as soon as the barges came within gun-shot the militia commenced firing upon the enemy, and continued to do so until their ammunition was expended; that they retreated, and the British forces landed immediately and took possession of said warehouse, which had been used by the militia as a work of defence and protection, and burnt the warehouse and all the tobacco, numbering several hundred hogsheads of tobacco, belonging to inhabitants of the neighborhood and merchants abroad who purchased tobacco on speculation; that the conflagration of this warehouse at Magruder's took place on the 17th of June, 1814; that witness was the inspector at Magruder's warehouse, but commanded a company at Nottingham; that witness was appointed inspector in the spring of 1813 at Magruder's warehouse, and that previous to his appointment James Naylor was the inspector; that he believes the burning of the warehouse was in consequence of its having been occupied by the militia as a post of military defence or depot, and that the burning and carrying away the tobacco at Nottingham was done in consequence of using the hogsheads of tobacco as a fortification and protection of our troops, and thus giving to tobacco a hostile character; that he was inspector

at the time of the destruction of the warehouse at Magruder's, and has been inspector of tobacco at Nottingham and Magruder's warehouses for 18 years, and on no occasion did he ever deliver tobacco for shipment where notes had been given to the person whose tobacco had been inspected without the delivery up of the notes, as he made himself responsible for every hogshead of tobacco as soon as he gave his notes for the inspection. The books of the inspectors were destroyed at the time of the burning of the warehouses.

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STATE OF MARYLAND, }  
*Prince George County.* } ss.

On this 26th day of December, in the year 1851, personally appears before me, one of the State of Maryland justices of the peace in and for Prince George's county aforesaid, James Baden of said county and State, and made oath on the Holy Evangely of Almighty God that the foregoing statement is true and correct to the best of his knowledge and belief.

Sworn before

THOS. M. D. BADEN, *J. P.*

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*Statement of Austin Cusick, of Charles county, Maryland.*

In June, 1814, when the naval forces of Great Britain ascended the Patuxent river, the tobacco warehouse at Benedict, Charles county, Maryland, contained several hundred hogsheads of tobacco belonging to persons in the neighborhood; with the view to the protection of the property in that village, Captain Carbery's company of the United States service had been ordered to repair to that place for the purpose of arresting the hostile aggressions of the enemy. As a means of defence, and to give shelter to his men when the enemy opened their guns, Captain Carbery ordered his men to roll out the tobacco then in the warehouse, with a view to erecting batteries. A well constructed fortification was made, and was used as such by the regulars. When the enemy reached Benedict, Captain Barry of the royal navy, discovering the uses for which this tobacco had been converted by our forces, and to prevent it from being used again as a military position, had it rolled into the river; some of it was destroyed, and a large portion was carried away. I was present myself, and beheld the erection of the batteries and the destruction of the tobacco, which was in consequence of its being used for military purposes.

VANSVILLE, }  
*Prince George's county, Maryland.* }

Personally appears before me, a justice of the peace of the State of Maryland in and for said county, Austin Cusick, and makes oath on the Holy Evangely of Almighty God that the foregoing statement is true and correct to the best of his knowledge and belief. Sworn before

NOVEMBER 24, 1849.

JOS. C. THOMAS, *J. P.*



WASHINGTON, *April 9, 1850.*

The undersigned as counsel for Messrs. Hodges and Landsdale, and William Wilson & Son, begs leave respectfully to submit herewith, in behalf of the petitioners, copies certified on 5th April, 1850, by Third Auditor of Treasury, to be correct transcripts of the testimony of George W. Biscoe, April 28, 1828; B. J. Semmes, February 27, 1832; Hon. D. Jenifer, February 27, 1832; George W. Biscoe, February 27, 1832; Jesse Selly, December 20, 1833; James Badin, February 20, 1835, heretofore produced and filed at the settlement made on 29th September, 1841, by report No. 13280, in the office of the Third Auditor of the Treasury Department, under the act of Congress approved 2d July, 1836, for the relief of Charles J. Catlet; which testimony relates to the destruction of the tobacco in the warehouses at these places, to wit: At Nottingham, and Magruder's on the Patuxent river, and Cedar point on the Potomac.

By this evidence it is proved, first, that at Nottingham on the Patuxent, under the orders of General, then Major Biscoe, as commander of the Maryland militia, part of the tobacco then in the warehouse was used to make a breastwork, behind which he planted cannon, and under its cover fired on the British barges, and forced them to retreat; and that after this, the British took most of the tobacco from this warehouse, and kept possession of the waters of the river at this place, until the burning of the Capitol at Washington.—(See the deposition of G. W. Biscoe of 28th November, 1828, and of James Baden, of 20th February, 1835.)

2. That at warehouses at Magruder's on the Patuxent river, Captain Joshua Naylor, acting under General Biscoe's orders, on the 17th June, 1817, stationed his troops behind the warehouses, thirty yards from the shore, and as soon as the British barges came within gun shot, he opened under this cover a fire on the enemy, and continued it for an hour or two; and that as soon as his ammunition being expended, he ceased his fire and retreated. The British landed and set fire to the warehouses and burnt them.—(See deposition of Jesse Selly, 20th December, 1833, and letter of General G. W. Biscoe, 27th February, 1832, and deposition of James Badin, 20th February, 1835.)

3. That at Cedar point, in the Potomac, under command of General Stuart, the militia were ordered to the warehouse, which, when filled with tobacco, is cannon proof, and completely protected the troops there, to make an attack on the British schooners which were anchored off the warehouse; that after several cannon shot were fired, the enemy set fire to the warehouse and levelled it to the ground, with all the tobacco then in the house, of which the Hon. D. Jenifer says he was an eye-witness, being aid to General Stuart.—(See letter of B. J. Semmes, 27th February, 1832, letter of Hon. D. Jenifer, 27th February, 1832.)

This evidence shows that the warehouses, by being filled with tobacco, were thereby rendered cannon-proof, and being close to the water's edge afforded protection and cover for attack on the enemy, and caused their destruction by the British.

Messrs. Hodges and Landsdale have the original tobacco notes which establish their claim, and Messrs. W. Wilson & Son have



heretofore had their notes filed in the Department of State, and they will probably be found with the testimony and claims produced and left with the proceedings of the commissioners under the Treaty of Ghent.

Relief and indemnity is asked by petitioners on the ground that under the orders of military officers of the United States the warehouses, when filled with tobacco, and the tobacco stored in them, were both used, and chiefly the tobacco, because of its being cannon-proof, for the shelter or cover of the American troops in attacking the British vessels when within gun-shot of the covers, and because in consequence of these attacks, under such cover, the enemy destroyed, burnt, and carried off the tobacco.

Such destruction, in consequence of the use of the tobacco by United States forces under order of officers in command, brings the claim of the petitioners within the principles which have been always acted on, both in general and special acts of Congress, for indemnity to citizens where property has been taken or destroyed for the public welfare and protection.

These principles have been recognized in reference to wagons, carts, horses, &c., which have been lost or destroyed when in public service, either by agreement or by impressment, as will be evident by referring to the general acts of 4th May, 1822, chap. 48, (3 Pet. L. United States,) and 26th May, 1842, chap. 187, (4 Pet. L. United States, p. 70,) relating to the Seminole war; to the acts of 18th June, 1837, chap. 5, (5 Pet. L. United States, p. 142,) 14th October, 1837, chap. 5, (5 Pet. L. United States, p. 204,) and the act of 23d August, 1842, chap. 185, (5 Pet. L. United States, p. 511.) They have been further recognized and applied to indemnity for losses and damages to houses and buildings in consequence of their being used or occupied under order of an officer of the United States in command, by the general acts passed 9th April, 1816, sec. 9, (1st sess., 14th Cong., chap. 40, 3 Pet. L. United States, p. 263,) 3d March, 1817, sec. 1, (3 Pet. L. United States, p. 397,) and 3d March, 1825, chap. 66, (4 Pet. L. United States, p. 123.)

And, among many other special acts, I beg leave to refer to the following, as recognizing the same principles of indemnity for losses and damages incurred for the public safety.

First. The claim of John Addams, of Plattsburg, New York, for damages sustained in consequence of his property having been used by United States forces, was paid by an act of Congress, passed 8th May, 1840, (1st sess., 26th Cong., 6 Pet. L. United States, p. 799,) a report having been made by the Hon. Elisha Whittlesey in 1836, (see House report No. 520, 2 vol. 1st sess., 24th Cong.,) in favor of his demand for damage to his land by a fort having been built on it, to his meadow and pasture which was trodden down, and to his buckwheat destroyed. These injuries being the first, fifth and sixth items of his account.

Second. The claim of James F. Sothern for the value of his tobacco, which was lost, destroyed, or carried away at his houses in consequence of his premises being occupied by the American forces under order of their commanding officer, was paid by act of Congress, passed 3d March, 1849, (see chap. 180 Acts, 2d sess., 30th Cong.,) upon a

favorable report made by Hon. Reverdy Johnson, (see Senate report No. 127, 2d sess., 29th Cong., and Senate report No. 57, 1st sess., 30th Cong.,) and the accounting officers were directed to ascertain and pay the *then value* of his tobacco.

And lastly, in the claim of Charles J. Catlett, before mentioned, the Congress again recognize the principles of the acts of Congress, both general and special, which requires the government to protect its citizens against *its own acts and their consequences*. A report was made in this case by the Finance Committee, 13th January, 1835, (see Senate report No. 55, 3d vol., Senate Doc., 2d sess., 23d Cong.,) in which it was recommended that indemnity should be made for so much of the claim as arose from damages sustained in consequence of the acts of the government, or its officers, at the warehouses at Magruder's, Nottingham, and Cedar Point; and a bill was reported for a settlement by the accounting officers, "on just and equitable principles"—the only difficulty the committee felt, being to determine whether the war or peace price should govern in making this settlement. This bill was amended, and, as amended, was passed and approved 2d July, 1836, and directed a settlement to be made "upon the principles of the acts of 9th April, 1816, and 3d March, 1817."

In the settlement of this case the Third Auditor appears to have thought that a case was not made by the proof that would come within the principles of the acts of 1816 and 1817, and referred it to the Second Comptroller, on 30th December, 1836, for his opinion, (see House report No. 211, 3d session 27th Congress, dated 22d February, 1843, pages 7 to 10,) and Second Comptroller concurred with Third Auditor. Mr. Catlett then obtained from Hon. D. Webster, on 27th February, 1837, a letter (*ib.*, page 11) to the Second Comptroller, stating that the act of 2d July, 1836, was intended as a positive enactment for relief, and not a vain exercise of legislative power; and in September, 1841, Mr. Catlett applied to the President of the United States, under whose order a report was made to him from Third Auditor's office, on 20th September, 1841, in relation to the case; and on 21st and 23d September, 1841, the President (see *ib.*, page 14,) advised a re-examination of the case by the Third Auditor, who again made a report to the Second Comptroller on 28th September, 1841, against the allowance of any part of the claim. On 28th September, 1841, Mr. Crittenden, then Attorney General, examined the case under order of the President, and again expressed his opinion that Charles J. Catlett was, under the act of 2d July, 1836, entitled to relief upon the principles of the acts of 9th April, 1816, and 3d March, 1817, (*ib.*, page 21,) and the Second Comptroller thereon ordered a settlement to be made by Third Auditor, which was accordingly done at the values of the period of the war.

I would also call the attention of the committee to the fact that an inquiry was by the House of Representatives ordered to be made in regard to the expediency of passing a further and general act by the Congress for indemnity in this class of cases; and a report was made by the committee in 1828, (see House Report No. 90, 2d vol., 1st session 20th Congress,) and that it was judged and so reported to be

most advisable that each case rest on its own special circumstances, because of their great variety.

Upon the evidence by which the claim of Mr. Catlett was settled, and upon the principle of justice on which the government has universally acted in protecting its citizens from its own acts and their consequences, it is now asked that the accounting officers may be authorized and directed (from the evidence now on file in the records of the government, and such other evidence as may be produced) to ascertain the quantity and the then value of the tobacco belonging to Messrs. Hodges & Lansdale, and Wm. Wilson & Son, at the warehouses which was burnt, destroyed or carried away by the British or American forces in 1814, in consequence of the use and occupation of these warehouses for attack upon, and defence from, the enemy, and to pay the value so ascertained to said claimants, their successors or assigns, out of any money in the treasury not otherwise appropriated.

All of which I beg leave, as counsel for the petitioners, to submit.

JOHN S. McCULLOH.

The Honorable THE COMMITTEE OF CLAIMS  
*Of the Senate.*

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*To the honorable the Committee of Claims of the Senate:*

The undersigned, as counsel for Messrs. Hodges & Lansdale and William Wilson & Son, beg leave respectfully to submit herewith, on behalf of the petitioners, copies certified on 5th April, 1850, by Third Auditor of Treasury, to be correct transcripts of the testimony of George W. Biscoe, 28th April, 1828; B. J. Semmes, 27th February, 1832; Hon. D. Jenifer, 27th February, 1832; George W. Biscoe, 27th February, 1832; Jesse Selby, 20th December, 1833; James Baden, 20th February, 1835; heretofore produced and filed at the settlement made on 29th September, 1841, by Report No. 13280, in the office of the Third Auditor of the Treasury Department, under the act of Congress approved 2d July, 1836, for the relief of Charles J. Catlett, which testimony relates to the destruction of the tobacco in the warehouses at three places, to wit: Nottingham, at Magruder's, on the Patuxent river, and Cedar Point, on the Potomac.

By this evidence it is proved that under the orders of General (then Major) Biscoe, as commander of the Maryland militia, part of the tobacco then in the warehouse was used to make a breastwork, behind which he planted cannon, and under its cover fired on the British barges, and forced them to retreat; and that after this the British took most of the tobacco from this warehouse, and kept possession of the waters of the river as high as this place until the burning of the Capitol at Washington.

That at warehouses at Magruder's, on the Patuxent, First Captain Joshua Naylor, acting under General Biscoe's orders, on the 17th June, 1814, stationed his troops behind the warehouses, thirty yards from the shore, and as soon as the British barges came within sight he opened under this cover a fire on the enemy, and continued it for an hour or two; and that as soon as his ammunition was expended he

ceased his fire and retreated, and the British landed and set fire to the warehouses and burned them.

That at Cedar Point, on the Potomac, the militia, under command of General Stewart, were ordered to the warehouses, (which, when filled with tobacco, are cannon proof, and completely protected the troops,) there to make an attack on the British schooners which were anchored off the warehouse; that after several cannon shot fired the enemy set fire to the warehouse and leveled it to the ground, with all the tobacco then in the house, of which the honorable D. Jenifer says he was an eye-witness, being aid to General Stewart.

This evidence shows that the warehouses, by being filled with tobacco, were thereby rendered cannon-proof, and, being close to the water's edge, afforded protection and cover for attack on the enemy, and caused their destruction by the British.

Messrs. Hodges and Lansdale have the original tobacco notes which establish their claim, and Messrs. William Wilson & Son have heretofore had their notes filed in the Department of State, and they will probably be found with the testimony and claims produced and left with the proceedings of the commissioners under the treaty of Ghent.

Relief and indemnity is asked by the petitioners, on the ground that under the orders of military officers of the United States the warehouses, when filled with tobacco, and the tobacco stored in them, were both used, and chiefly the tobacco, because of its being cannon-proof, for the shelter or cover of the American troops in attacking the British vessels when within gun-shot of the covers, and because, in consequence of these attacks under such cover, the enemy destroyed, burnt and carried off the tobacco.

Such destruction, in consequence of the use of the tobacco by us, under order of officers in command, brings the claim of the petitioners within the principles which have been always acted on, both in general and special acts of Congress for indemnity to citizens, where property has been taken or destroyed for the public welfare and protection.

These principles have been recognized in reference to wagons, carts, horses, &c., which have been lent or destroyed when in public service, either by agreement or by impressment, as will be evident by referring to the general acts of May 4, 1822, c. 48, (3 Pet., Laws U. S.) and May 26, 1824, c. 187, (4 Pet., Laws U. S., p. 70,) relating to the Seminole war, the acts of June 18, 1837, c. 5, (5 Pet., Laws U. S., p. 142,) October 14, 1837, c. 5, (5 Pet., Laws U. S., p. 204,) and the act of August 23, 1842, c. 185, (5 Pet., Laws U. S., p. 511.) They have been further recognized and applied to indemnity for losses and damages to houses and buildings in consequence of their being used or occupied under order of an officer of the United States in command, by the general acts passed April 9, 1816, sec. 9, (1st session 14th Congress, c. 40, 3 Pet., Laws U. S., p. 263,) March 3, 1817, sec. 1, (3 Pet., Laws U. S., p. 397,) and March 3, 1825, c. 66 (4 Pet., Laws U. S., p. 123.)

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passed May 8, 1840, (1st sess. 26th Congress, 6 Pet., Laws U. S., p. 799,) a report having been made by the Hon. Elisha Whittlesey, in 1836, (see House Report, No. 520, 2d vol., 1st sess. 24th Congress,) in favor of his demand for damages to his land, by a fort having been built on it, to his meadow and pasture which was trodden down, and to his buckwheat destroyed. The injuries being the 1st, 5th and 6th items of his account.

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Third, and lastly. In the claim of Charles J. Catlett, before mentioned, the Congress again recognize the principle of the acts of Congress, both general and special, which requires the government to protect its citizen against *its own acts and their consequences*. A report was made in this case by the Finance Committee January 13, 1835, (see Senate Report No. 55, 3d vol. Senate documents, 2d session, 23d Congress,) in which it was recommended that indemnity should be made for so much of the claim as arose from damages sustained in consequence of the acts of the government or its officers at the warehouses at Magruder's, Nottingham, and Cedar Point, and a bill was reported for a settlement by the accounting officers "on just and equitable principles;" the only difficulty the committee felt being to determine whether the war or peace price should govern in making this settlement. This bill was amended, and as amended was passed and approved July 2, 1836, and directed a settlement to be made "upon the principles of the acts of April 9, 1816, and March 3, 1817."

In the settlement of this case the Third Auditor appears to have thought that a case was not made by the proof that would come within the principles of the acts of 1816 and 1817, and referred it to the Second Comptroller on the 30th December, 1836, for his opinion, (see House Report, No. 211, 3d sess. 27th Cong., dated February 22, 1843, pages 7 to 10,) and Second Comptroller concurred with Third Auditor. Mr. Catlett then obtained from the Hon. D. Webster, on the 27th February, 1837, a letter (*ib.*, page 11,) to the Second Comptroller stating that the act of 2d July, 1836, was intended as a positive enactment for relief and not a vain exercise of legislative power; and in September, 1841, Mr. Catlett applied to the President of the United States, under whose order a report was made to him from Third Auditor's office, on the 20th September, 1841, in relation to the case, and on the 21st and 23d of September, 1841, the President (see page, *ib.* 14) ordered a re-examination of the case by the Third Auditor, who again made a report to the Second Comptroller, on 28th September, 1841, against the allowance of any part of the claim. On 28th September, 1841, Mr. Crittenden, then Attorney General, examined the case under order of the President, and again expressed his opinion that Charles J. Catlett was, under the act of 2d July, 1836, en-



titled to relief upon the principles of the acts of 9th April, 1816, and 3d March, 1817, (*ib.*, p. 21,) and the Second Comptroller thereon ordered a settlement to be made by the Third Auditor, which was accordingly done at the values of the period of the war.

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Upon the evidence by which the claim of Mr. Catlett was settled, and upon the principle of justice on which the government has uniformly acted in protecting its citizens from its own acts and their consequences, it is now asked that the accounting officers may be authorized and directed (from the evidence now on file in the records of the government, and such other evidence as may be produced) to ascertain and estimate the quantity and the then value of the tobacco belonging to Messrs. Hodges & Lansdale and William Wilson & Son, at the Maryland warehouses, which was burnt and destroyed, or carried away, by the British or American forces, in 1814, in consequence of the use and occupation of those warehouses for attack upon, and defence from, the enemy, and to pay the value so ascertained to said claimants, their successors or assigns, out of any money in the treasury not otherwise appropriated.

All of which we beg leave, as counsel for the petitioners, most respectfully to submit.

JAMES M. BUCHANAN.

JOHN S. McCULLOH.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The petition of Hodges & Lansdale, late of the city of Baltimore' and State of Maryland, respectfully states:

That your petitioners, in the year eighteen hundred and fourteen, had a considerable quantity of tobacco, which was bought by them from time to time, and was deposited in the public warehouses known as Magruder's and Nottingham, in Prince George's county, as Hunting creek and Lower Marlboro', in Calvert county, and Benedict, in Charles county, on the Patuxent river.

That in 1814 the flotilla of Commodore Barney, under military orders, occupied the waters of the Patuxent river, in order to avert threatened attack of the British forces on Washington city; that your petitioners are informed and state, that the British forces attacked the warehouses, and burnt, destroyed, and took away the tobacco that was in them, in consequence of the military occupation by the American troops of the waters of the Patuxent, and in consequence of the use by

the American troops of the tobacco and the warehouses as means of means of military defence, and for attack on the British forces, the tobacco contained in the warehouses being proof against cannon shot.

For the tobacco so used for military purposes, and which was taken and destroyed by the British forces, your petitioners have never been remunerated by the United States, and they ask that the matter of this petition may be referred to the appropriate committee, to report upon such evidence as your petitioners may be able to furnish, in order that they may be relieved.

HODGES & LANSDALE,

By BENJ. M. HODGES, *the survivor*.

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STATE OF MARYLAND, }  
Baltimore city. } ss.

On this twenty-ninth day of December, eighteen hundred and forty-nine, appears before the subscriber, a justice of the peace of the State of Maryland in and for Baltimore city, Benjamin M. Hodges, aforesaid, and makes oath in due form of law that, to the best of his knowledge, information, and belief, the matters above stated are true.

JOHN J. SNYDER.